C7

WARRANT FOR SPECIAL TOWN MEETING JANUARY 16, 2003

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Thursday, the sixteenth of January, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to raise and appropriate or borrow a certain sum of money for the design and construction of the renovation and expansion of the Chelmsford High School and the construction of a new McCarthy Middle School, including all costs incidental and related thereto, provided, however, that no debt may be incurred for this project, except for a certain sum of money for design and other preliminary expenses, until the Commonwealth of Massachusetts has provided a written communication to the Town indicating that the project has been approved for reimbursement in the amount of at least a certain percentage, and further provided that such appropriation shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or act in relation thereto.

SUBMITTED BY: **School Committee**

ARTICLE 2. To see if the Town will vote to authorize the Sewer Commission to petition the Great and General Court for special legislation to establish in the Town of Chelmsford Treasury a Special Account entitled Sewer Improvement Fund for the purpose of funding construction, reconstruction, rehabilitation and expansion of sewer line, treatment works or other related facilities or reducing infiltration or inflow in order to provide increased sewer system capacity for the Town of Chelmsford, including the purchase of additional allocation of capacity at the Treatment Plant in the City of Lowell. The Sewer Improvement Funds shall be administered by the Sewer Commission of the Town of Chelmsford and said Commission is authorized to draft and submit said legislation; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 24 day of December, 2002.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

William F. Dalton, Chairman

Michael F. McCall, Vice Chairman

Thomas E. Moran, Clerk

Stuart G. Weisfeldt

Philip M. Eliopoulos

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of January 16, 2003:

Thursday, January 23, 2003 at 7:30 p.m.

Monday, January 27, 2003 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Dec 27, 2003

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

SPECIAL TOWN MEETING
January 16, 2003

The Special Town Meeting was called to order at 7:35 PM at the Senior Center. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were 152 Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions.

Selectman William F. Dalton moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. Motion carried, unanimously. Selectman William F. Dalton moved that the reading of the entire warrant be waived. Motion carried, unanimously.

The Moderator asked that the Body vote to allow the following non-residents, permission to speak and address the Body during the School Committee's article. Roel Krabbendom, Martin Kretch, project managers from the Office of Michael Rosenfield. The Moderator asked for a show of hands, motion carried, unanimously. Gary Persichetti Supervisor of School Maintenance. The Moderator asked for a show of hands, motion carried, unanimously. Bruce Forester, Technical Director for the School System. The Moderator asked for a show of hands, motion carried, unanimously.

Selectman Philip Eliopoulos moved that Article 2 be taken out of order at this time. The Town Manager Bernard Lynch explained that the primary reason for tonight's meeting was Article 1, the school building project. It was felt that Article 2 should be addressed first then the meeting will be fully focused on Article 1. The Moderator asked for the Finance Committee's recommendation. The Finance Committee was in favor of taking the article out of order. The Board of Selectmen was in favor of taking the article out of order. The Moderator asked if there was any need to hear any further debate? Hearing none, he asked for a show of hands, motion carried, unanimously.

UNDER ARTICLE 2 Dwight Hayward moved that the reading the article be waived. The Moderator asked for a show of hands on the motion to waive the reading of the article, motion carried, unanimously. The Town Manager explained that this was a home rule petition. John P. Emerson Jr, Chairman of the Sewer Commission explained that this article serves two purposes. It protects the allocations for flows for residents who have not yet been connected to the system and have supported the ongoing sewer project by paying for the funding since 1986. It would allow developers to come in with their 40B projects and business projects in the industrial area that are already on the books, pay their own way into the system, by paying for the needed allocation of sewer flow for their projects. There is no cost to the community on this article. Other communities have been very successful with this type of article. Concord, Weymouth, Plymouth, they refer to it as a linkage fee. He asked for support of the article. The Finance Committee was in favor of the article. The Board of Selectmen were in favor of the article. The Moderator asked if there was any need to hear any debate. Hearing none, he asked for a vote by way of a show of hands, **motion carried, unanimously.** The article reads as follows:

John P. Emerson, Jr moved that the Town vote to authorize the Chelmsford Sewer Commissioners to file a Home Rule Petition with the Great and General Court for Special Legislation to establish a Special Account for purchase of additional capacity at the Wastewater Treatment Plant and for construction and rehabilitation of the municipal sewerage systems serving the Town of Chelmsford. Said Special Act shall be in substantial conformity to the following subject to amendments proposed by the Great and General Court:

THE COMMONWEALTH OF MASSACHUSETTS
In the Year Two Thousand and Three

AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE CREATION OR PURCHASE OF ADDITIONAL SEWERAGE CAPACITY AT THE WASTEWATER TREATMENT PLANT, AND FOR CREATION OF ADDITIONAL CAPACITY BY REHABILITATION OF THE MUNICIPAL SEWERAGE SYSTEMS SERVING THE TOWN OF CHELMSFORD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the Town of Chelmsford is hereby authorized to establish a special account to be known as the Town of Chelmsford Sewer System Capital Improvement Fund. The purpose of such a fund is to provide the revenue for the increase of capacity of the System to treat wastewater by purchasing of additional Treatment Plant Capacity within the Sewer System servicing the Town of Chelmsford, the funding of engineering, construction and rehabilitation of sewerage treatment works, pumping stations, and facilities serving the Town of Chelmsford, and to provide revenues to do all things necessary to correct, remedy, repair, prevent and prohibit any and all forms of infiltration or inflow from groundwater and other sources of leakage into pipes, facilities, and system. Such special account shall be maintained by the treasurer of the Town of Chelmsford in a banking institution doing business in the Commonwealth and expenditures from said special account shall be made subject to appropriation initiated by the Sewer Commission and approved by a majority vote of the Town Meeting.

Section 2: Payments to such account shall be made by applicants for connection to the sewer system of the Town who are constructing or erecting new buildings or developing land for industrial, commercial and residential uses. The method and amount of such payments from such private sources shall be as determined by a schedule of fees to be set by the Sewer Commission. Said schedule shall provide for the method of determining the amount of each payment from such applicants based upon their anticipated water and sewer use as provided in Section 3 hereof.

Section 3: The Sewer Commissioner shall assess a sewer improvement fee for all connections to the Town sewer system which will generate a wastewater flow rate in excess of the flow rate contemplated for the relevant property as determined by the Sewer Commission based on the 1995 Facilities Plan. The sewer improvement fee assessed shall equal the estimated cost of constructing, reconstructing, reducing infiltration or inflow or purchasing additional capacity at the Wastewater Treatment Plant serving the Chelmsford

Sewer System or any other source, to handle an incremental amount of wastewater equal to the excess flow to be generated by the increase in use of the property.

Section 4: There shall be a schedule of estimated costs of constructing such wastewater facilities or purchasing additional capacity as are described in Section 1 hereof, expressed in dollars per gallon of daily flow rate, established by the Commissioner, which schedule will not be established until the proposed schedule is first published in a newspaper in general circulation in the Town and considered at a public hearing held for such purpose.

Section 5: All sewer improvement fees collected shall be deposited into the Special Fund. Monies deposited into the Special Fund shall be used only for the purposes set forth herein, as may be determined by the Commissioner. The Commissioner is expressly allowed to accept grants or gifts for deposit into the Fund. The treasurer of the Town of Chelmsford shall be authorized to invest monies in said special account and the income and interest accruing shall inure to the benefit of said special account.

Section 6: The Sewer System Improvement fees imposed hereunder shall be in addition to any other fees permitted by law, including without limitation, sewer connection fees, betterment fees, privilege fees and user charges.

Section 7: Additional appropriation may from time to time be made by a majority vote of Town Meeting into said special account for the purpose of providing additional funds for the purposes set forth herein.

Section 8: The Sewer Commission for the Town of Chelmsford may make applications for available state and federal government grants for the engineering, construction and rehabilitation of wastewater treatment works, pumping stations and facilities, and to pledge any and all such sums of money in said account with the approval of the Town Meeting for any such matching grants for engineering, construction and rehabilitation of wastewater treatment works, pumping stations and facilities.

Section 9: The Town Accountant shall file jointly with the Sewer Commission, the Treasurer, Finance Committee and the Bureau of Accounts, a written report relative to such special account. Said report shall be made within one hundred and twenty days after the books of account are closed for each fiscal year.

Section 10: The Sewer Commission shall promulgate rules and regulations for the implementation and administration of the special account and set fees in accordance with the provisions of this legislation."

UNDER ARTICLE 1 Evelyn Thoren, Chairman of the School Committee moved that the Town vote to appropriate $86,000,000 for the design and construction of the renovation and expansion of the Chelmsford High School and the construction of a new McCarthy Middle School, including original equipment and related site improvements and all other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow $86,000,000 under Chapter 44 of the General Laws or Chapter 70B of the General Laws or any other enabling authority; and that the Secondary Schools Building Committee be authorized to take any

other action necessary to carry out this project; provided, however, that no debt may be incurred under this vote for either project, except for up to $2.8 million for planning and other preliminary expenses, until the State Department of Education has included the Town's application for a state school facilities grant for such project on its list of completed project applications, showing the priority assigned and an anticipated grant reimbursement rate of at least 60 percent; and provided, further, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c59, §21C (Proposition 2 ½) amounts required to pay the principal of an interest on the borrowing authorized by this vote.

Dr Richard Moser, Superintendent of Schools explained that Evelyn Thoren, Chairman of the School Committee, Dean Carmeris, Chairman of the Secondary School Building Committee and himself would give a three part presentation to the Body. Dr Moser began the presentation. He explained the "plan". The plan is to build a new McCarthy Middle School and conduct renovation work at the High School, which would add 255,000 sq. feet to the facility. This includes 104,000 square feet of space for an auditorium, a new science wing, and a number of new facilities for the high school students. Immediate relief is sought for the Parker School through capital planning by purchasing eight portable classrooms. He gave a list of improvements the School Committee has accomplished for the elementary schools over the years. He went over the present maintenance program. The feeling is that all the buildings have been well maintained. Since 1993 there has been 246 projects instituted and $5 million dollars spent through capital planning or the operating budget on maintenance. There are back up plans for the McCarthy and the High School in case this doesn't pass. Dr Moser feels that the plan being presented will address the curriculum changes for the future. Meet ADA state codes. Meet the goals for infrastructure for electrical and plumbing. The plan addresses the performing arts with the new auditorium. Dean Carmeris went over the "costs" of the project. He then showed a slide, with updates to the informational 25 year cost chart he had used last October. He said that the cost would be under $86million because the figure includes the $750,000. architect's fee, which will be reimbursed. The cost the first seven years of the project will vary because of the borrowing process. The numbers are now based on a house being valued at $280,000 vs $250,000 due to the Town's new property valuation being increased. Beginning in 2011 the State's reimbursement of 60 to 65% should begin. He based his figures on a 63% reimbursement rate. The net cost to the Town will be $2.3 million dollars each year which equates to 61 cents per $1,000 based on a valuation of a home being $280,000. He then went over the cost of the project if it didn't go forward. There is a possibility that all projects added to the SBA list after June of 2003 may have their reimbursement rates reduced by 10%, he showed the figures with a 53% reimbursement rate. If the project were started in 2004 or 2005, then the Town's cost would go up by 10 million-dollars, 4% due to inflation and 10% due to the reduction in the reimbursement rate, which represents a 32% increase in cost. If the project is delayed for five years then the 4% inflation rate compounded could drive the cost up to 54%. This is why it's important to get approval and be on the SBA's list for this fiscal year. Evelyn Thoren Chairman of the School Committee came forward and explained the "needs" of the projects. The decisions took many years of commitments from four major committees and seven years to get to this point. In 1995 the Citizens facilities was formed and assessed the buildings and needs and made recommendations to the School Committee and a long-range plan was developed. In 1998 the Building Needs Committee was created, which met over the next two years. It addressed the future enrollment needs and whether the buildings were adequate to meet the educational needs. It was decided to commit extra funds for capital projects to improve the elementary schools. The Building Needs Committee decided

that the elementary schools needs were addressed through the operational budget of the town, then the secondary schools should be addressed in a larger building project, or several projects. Town Meeting provided $750.000 to develop the building plan and the Secondary School Building Committee was formed. Many options were proposed and studied the buildings were designed using the curriculum to decide the final outcome. A decision was made to bring the project to the voters last November. The SSBC goal was to provide the most cost-effective design for the buildings. The School Committee was to provide educational specifications that the buildings must support. The School Committee agreed that all the needs were meet. The building proposal before the Body tonight is the most cost-effective method to meet the physical and educational needs of the CHS and McCarthy, which is a result of many years of study. This proposal accomplishes the most for the least amount of money for the long term. It meets the educational needs for required academic subjects, provides space for teaching staff and increasing student population. The buildings meet code and will serve the Town for the next fifty years. It is not an extravagant plan all the space will be utilized. The State Building Assistance Board plan has guidelines for square feet and reimbursements, which the plan addresses. Building a new McCarthy is more cost effective then renovating the old building, however renovating and adding additions to the High School which is a newer building, is more cost efficient way to meet those needs. If delayed, the project gets more expensive. If we just fix the school there is no reimbursement. Other Towns will go ahead of Chelmsford on the reimbursement list. Maintenance cost will increase. Building a new McCarthy and putting additions on to the High School will maintain Chelmsford's educational reputation.

Numerous questions were asked. Mary Tiano questioned the safeguards worded in the motion. Dr Moser explained that the project would only move forward if the reimbursement rate were not less than 60%. Selectman Eliopoulos said it also has to be approved on a Town wide ballot question. George Zaharoolis questioned the formula that Dean Carmeris used. He felt that it could be twelve years not seven years before there is any reimbursement. Dean Carmeris said that prior history has been in fifty years no town has had to wait more than five years. However due to the State's present financial situation it could be delayed. Thomas Newcomb questioned the inflation factor over the next twenty-five years. Will Perry wanted to know the projected cost for the Parker School in five years. Dr Moser said that at this point there is no figure available. The cost was part of the original $110 million dollar project that was proposed and voted on in November. Now the goal is to address the immediate needs by the purchase of eight temporary classrooms. Will Perry questioned what the significant cost would be between this project and the November project. Dr Moser said the difference was $86 million vs $110 million. Will Perry questioned if all that has been eliminated is the Parker School Project then isn't it is the same plan as voted in November? Dr Moser agreed that the plan is the same minus the Parker School. Karen DeDonato questioned the cost to get the plans ready for the SBA in June? $2.8 million dollars. Kathleen Tubridy questioned if there ever has been any record of non-reimbursement once the SBA approves a project? No it has never happened. David McLaughlin questioned why if there is a need for space at the Parker wasn't school addressed before the others. Dr Moser said between the two middle school buildings the McCarthy building condition must be addressed. The High School will have both middle school students attending it therefore that must be addressed. The Parker School's space solution can be immediately addressed by purchasing the eight portable classrooms. The School Committee felt that this was the best way to go. Barry Balan questioned why in the original project wasn't the cost of portable classrooms included? Dr Moser said that it was decided that this should be treated as a capital planning item. George Merrill questioned why

if after three years the Parker School is going to be done isn't the $28 million dollars included on the chart. Dr Moser said this figure is only for the two schools that the article is addressing the McCarthy and the High School. Evelyn Thoren said that the number is based on what the present School Committee wants to do at the Parker. They don't know what the cost would be based on what future School Committees might do. Clare Jeannotte asked if the SBA had any guidelines on what costs they would not reimburse the Town for? Roel Krabbendom, project manager from the Office of Michael Rosenfield said that SBA would not pay for any cost connected with the central office, only for systems. Everything else meets SBA guidelines. Mark Connors questioned the amount of money spent for this project to date. Selectman Dalton said that $830,000 has been expended. Can these plans be used for future use if this does not pass? The plans do have a shelf life. They are based on ten year projection enrollment figures. John Wilder questioned the cost for a Special Election. $18,000.00 He then wanted to know what would the town be getting for plans that cost $2.8 million dollars? Dean Carmeris said that construction level documents that are needed to be submitted to SBA. He asked if the architects had ever heard that the SBA didn't approve of plans submitted. Martin Kretch, of OMR said that his firm never had a situation where their plans have gotten that far and SBA has not approved them, the firm has had 100% approval for their plans. The Moderator asked for the Finance Committee's recommendation. Sam Chase, Chairman of the Board said that the Finance Committee recommends the article and read a statement regarding their recommendation. The Moderator asked for the Selectmen's recommendation. William Dalton said that a majority of the Board of Selectmen supported the article. A lengthy discussion took place. Brian Latina acknowledged that he had received phone calls, emails and letters concerning this issue. As a town meeting rep he knows that something needs to be done with the overcrowding and condition of the buildings. Personally he hasn't made up his mind on how he will vote, his valuation has gone up and he is not looking forward to $170.00 a year increase in his taxes for the next 25 years. Kevin Latina, member of the Theatre guild of CHS and member of the band, asked permission to read a letter to the Body from the CHS students. The students asked for support of the auditorium being added to the High School. Tony Volpe asked that the question be put before the voters. George Ripsom said that his precinct 4 and the town voted against the question in November. It is the same plan that was before the voters and he would be voting against it tonight. Barbara Ward spoke in favor of the article. Felt that more information should have been provided in November. It is for the best interest of the Town. Janet Dubner spoke in favor. Thomas Mills questioned why Nashoba Tech could submit plans to SBA for a $25 million dollar expansion of 42,000 square foot for the cost was $80,000. and our cost is $2.8 million dollars. Town Counsel John Georgio explained that SBA regulations have changed. Now it is required that all documents must be about 95% complete before submitting. Will Perry thanked Dr Moser and the SSBC committee for all their hard work. However, he felt that it is the same plan that was submitted to the voters in November and feels that another plan should have been submitted, he urged that the Representatives vote no. Mark Connors urged for the Representatives to vote yes. He felt that because this project keeps being put off it is costing the Town money. Between the money that would be put into repairs and what it would cost if we put it off after June 30th, would be what the final figure would be after the 60% reimbursement from the State. He estimated that the cost would be 50 cents a day per household. Angelo Taranto said that after speaking with the State Representatives they said that they would give us a commitment of reimbursement between 60 and 65% if it goes to SBA by June 1st. Elizabeth Marshall spoke as Town Meeting Rep and as a senior citizen on a fixed modest income in favor of the article. She acknowledges that because of senior citizens supporting the School issues in the past her three children received a good education. She feels that it is important to support the town

with this commitment. Dennis Ready moved the question to stop debate. The Moderator asked if there was any need to hear further debate? Hearing none he asked for a vote by way of a show of hands. The Moderator declared that the **motion carried, by recognizing the 2/3's vote by-law**. The Moderator asked for a vote on the article by way of a show of hands. The Moderator declared that the **motion carried, by recognizing the 2/3's vote by-law.**

The Moderator declared the meeting adjourned sine die. Motion carried, unanimously.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

WARRANT FOR SPECIAL
TOWN ELECTION MARCH 4, 2003

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1.	Town Offices Gymnasium
Precinct 2.	Harrington Elementary School Gymnasium
Precinct 3.	Harrington Elementary School Gymnasium
Precinct 4.	Westlands School Cafetorium
Precinct 5.	Byam School Cafetorium
Precinct 6.	Westlands School Cafetorium
Precinct 7.	McCarthy Middle School, Small Gymnasium
Precinct 8.	McCarthy Middle School, Small Gymnasium
Precinct 9.	Town Offices Gymnasium

On Tuesday, the 4th day of March, 2003 being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. to vote on the following question:

> Shall the Town of Chelmsford be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds to be issued in order to finance the design and construction of the renovation and expansion of the Chelmsford High School and the construction of a new McCarthy Middle School, including original equipment and related site improvements and all other costs incidental and related thereto?

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 10 th day of February 2003

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

William F. Dalton, Chairman

Michael F. McCall, Vice Chairman

Thomas E. Morán, Clerk

Stuart G. Weisfeldt

Philip M. Eliopoulos

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. February 18 2003

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

Town of Chelmsford

Special Town Election March 4th, 2003

QUESTION 1	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	6	6	3	7	3	9	1	3	5	**43**
YES	449	235	435	352	523	548	726	447	596	**4,311**
NO	582	444	661	615	519	707	710	690	607	**5,535**
WRITE-IN VOTES	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**1,037**	**685**	**1,099**	**974**	**1,045**	**1,264**	**1,437**	**1,140**	**1,208**	**9,889**

WARRANT FOR ANNUAL
TOWN ELECTION APRIL 1, 2003

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1.	Town Offices Gymnasium
Precinct 2.	Harrington Elementary School Gymnasium
Precinct 3.	Harrington Elementary School Gymnasium
Precinct 4.	Westlands School Cafetorium
Precinct 5.	Byam School Cafetorium
Precinct 6.	Westlands School Cafetorium
Precinct 7.	McCarthy Middle School, Small Gymnasium
Precinct 8.	McCarthy Middle School, Small Gymnasium
Precinct 9.	Town Offices Gymnasium

On Tuesday, the 1st day of April, 2003 being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

Two Selectmen for three years;

One School Committee Member for three years;

Two Library Trustees for three years;

One Board of Health Member for three years;

Three Planning Board Members for three years;

One Planning Board Alternate for two years;

One Sewer Commissioner for three years;

One Housing Authority Member for five years;

One Cemetery Commissioner for three years;

and to bring in their votes for the following:

Fifty-four Representative Town Meeting Members for three years in Precincts 1 through 9

1 Representative Town Meeting Member for an unexpired two year term in Precinct 2

1 Representative Town Meeting Member for an unexpired one year term in Precinct 2

; and to meet in the Senior Center, 75 Groton Road, North Chelmsford, on Monday, the twenty-eighth day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

Article 1. To see if the Town will vote to amend the Town of Chelmsford Code Chapter 154, Town Meeting, by adding the following section:

154-17 **Pledge of Allegiance**
Each session of Town Meeting shall begin with the recitation of the United States Pledge of Allegiance.

; or act in relation thereto.

Board of Selectmen

Article 2. To hear reports of the Town Officers and Committees; or act in relation thereto.

Board of Selectmen

Article 3. To see if the Town will vote to form a committee of Town Meeting members as provided under Section2-12 (d) of the Chelmsford Home Rule Charter. This Committee would consist of the Town Moderator and one Town Meeting Representative from each precinct, elected by the precinct representatives. The purpose of the Committee will be to study the Moderators Rules and Town Meeting procedures including, but not limited to, recitation of the Pledge of Allegiance and the utilization of a consent agenda. The Committee will expire upon presentation of their report to the Town Meeting on October 20, 2003; or act in relation thereto.

Town Moderator

Article 4. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

Town Manager
Finance Committee

Article 5. To see if the Town will vote to raise and appropriate or transfer from available funds, a certain sum of money for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998; or act in relation thereto.

Town Manager

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to meet bills from previous years; or act in relation thereto.

Town Manager

Article 7. To see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, a certain sum of money to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford; or act in relation thereto.

Town Manager

Article 8. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department for the Fiscal Year 2004; or act in relation thereto.

Town Manager

Article 9. To see if the Town will vote to transfer a certain sum of money from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget Fiscal Year 2004; or act in relation thereto.

Town Manager
Conservation Commission

Article 10. To see if the Town will vote to transfer a certain sum of money from Sewer Betterments, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 2004 Budget; or act in relation thereto.

Town Manager
Sewer Commission

Article 11. To see if the Town will vote to transfer from the Stabilization Fund $1,900,000 to be used to offset that portion of debt and interest in the Fiscal Year 2004 Budget; or act in relation thereto.

Town Manager

Article 12. To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be required to defray Town charges for the fiscal period July 1, 2003 to June 30, 2004; or act in relation thereto.

Town Manager

Article 13. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

Department	Project	FY04 TM Proposed
Municipal Administration	Central Phone System	$50,000
	GIS Mapping	$250,000
Police Department	Cruisers	$153,000
Cemetery Department	Maintenance Building	$35,000
DPW	Drainage	$100,000
	Road Maintenance	$200,000
	Old Town Hall Roof	$43,000
	Sidewalk Plow	$107,000
Library	Computer Replacements	$30,000
School Department	Modular Class Rooms-Parker	$400,000
	McCarthy Roof	$400,000
	South Row Boiler & Generator	$240,100
	Westlands Roof and Fans	$330,000
	High School Track ADA	$25,000
	Technology	$170,000
		$2,533,100
	Recapture	$53,000

	Borrow	$2,480,100

and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations, and to further authorize the Town Manager to enter into lease/purchase agreements in excess of three years; or act in relation thereto.

Board of Selectmen
Town Manager
Capital Planning Committee

Article 14. To see if the Town will vote to transfer a certain sum of money from the sale of the Graves and Lots to the Cemetery Improvement and Development Fund; or act in relation thereto.

Cemetery Commission

Article 15. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 2004. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to a certain sum during Fiscal Year 2004; or act in relation thereto.

Town Manager
Council on Aging

Article 16. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Police Department for Fiscal Year 2004. The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to a certain sum during Fiscal Year 2004; or act in relation thereto.

Town Manager
Police Department

Article 17. To see if the Town will vote to authorize the Cemetery Commission to grant a utility easement for the purpose of relocating a utility pole and related appurtenances to Cemetery property; or act in relation thereto.

Cemetery Commission

Article 18. To see if the Town will vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Meetinghouse Road
Justin Road

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

Board of Selectmen

Article 19. To see if the Town will vote to amend the actions of Article 11 of the October 19, 1998 Annual Town Meeting and Article 10 of the October 21, 2002 Annual Town Meeting accepting the provisions of G. L. c. 166, s. 22E relative to the removal and replacement of facilities by the Town under a cooperative agreement with the utility companies to facilitate the depression of overhead utilities in the Chelmsford Center area, by extending the limits of said area, as shown on a set of plans on file in the office of the Community Development Coordinator and incorporated herein by reference; or act in relation thereto.

Town Manager

Article 20. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Article XV, Floodplain District, as follows:

A. In section 195-77, by deleting the words "National Flood Insurance Program Flood Insurance Rate Map for the Town of Chelmsford prepared by the United States Department of Housing and Urban Development, Community Panel Number 250188 0005B-000515, dated June 4, 1980" wherever it appears, and inserting in its place "National Flood Insurance Program, FIRM Flood Insurance Rate Map, Town of Chelmsford, Massachusetts, Middlesex County, Community Number 250188, Panel Numbers 0001C through 0013C, dated June 4, 2002"
B. In section 195-77, by deleting the words "Chelmsford Flood Insurance Study, dated December 1979" wherever it appears, and inserting in its place "Flood Insurance Study (FIS), dated June 4, 2002"
C. By deleting Section 195-78.A in its entirety and eliminating the subsection designation from 195-78B.

D. In section 195-81, by deleting the words "Chelmsford Floodplain and Floodway District Map" and inserting in its place "Flood Insurance Rate Map"

; or act in relation thereto.

Community Development Coordinator

Article 21. To see if the Town will vote to amend the Chelmsford Zoning Map by removing the following parcel of land from the Limited Industrial District and establishing the same as a Roadside Commercial District:

The land in Chelmsford, Middlesex County, Massachusetts situated on the Northerly side of Groton Road (Route 40) and being a portion Parcel A shown on the plan entitled "Plan of Land in Chelmsford & Westford Quarry, 275 Groton Road, North Chelmsford, MA 01863 by LandTech Consultants, Inc., Scale: 1" = 200' dated October 3, 2002 and recorded with Middlesex North Registry of Deeds in Plan Book 205, Plan 53, said portion being bounded and described as follows:

Beginning at a point on the northeasterly side of U.S. Route 3; thence

S 31° 24' 38" E	a distance of twelve hundred feet (1200) to a point; thence
S 47° 20' 39" W	a distance of three hundred twenty five and seventy eight hundredths feet (325.78) to a point; thence
S 47° 43' 49" W	a distance of one hundred eighty eight and two hundredths feet (188.02); thence
S 10° 01' 19" E	a distance of one hundred forty one and eighty four hundredths feet (141.84); thence
S 47° 38' 20" W	a distance of three hundred twenty and eighty hundredths feet (320.80); thence
N 88° 01' 01" W	the distance to the town line between Westford and Chelmsford a distance of approximately twenty five (25.00) feet; thence

Running northeasterly along the town line between Westford and Chelmsford a distance of approximately one thousand nine hundred and fifty feet (1,950.00) to a point; thence

N 56° 54' 08" E	the distance from the town line between Westford and Chelmsford a distance of approximately two hundred and thirty seven feet (237.00) to the point of beginning on the northeasterly side of U.S. Route 3, or act in relation thereto.

Petition

Article 22. To see if the Town will vote to amend the Town Charter by deleting paragraph (h) in subsection 4-3:

(h) to be responsible for the rental, use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee.

And, replace with the following:

(h) to be responsible for the rental, use, maintenance and repair of all town facilities.

;or to take any action relative thereto.

Board of Selectmen

Article 23. To see if the Town will vote to authorize the Board of Selectmen, subject to the requirements of General Laws Chapter 30B, sec. 16, to convey a parcel of land located at 19 Maple Road, consisting of 57,421 square feet more or less, including the building thereon, such land is more particularly shown on a plan entitled: "Plan of land in Chelmsford, MA prepared for the Town of Chelmsford, 50 Billerica Road, Chelmsford, MA," dated October 8, 2002, prepared by P. M. Flaherty Associates, Inc,. on file in the Town Clerk's office: or act in relation thereto.

Community Development Coordinator

Article 24. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2004 Community Preservation budget and:

A. to appropriate from the Community Preservation Fund the following:

(1) a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2004,

(2) a sum of money for the creation, preservation or restoration of property at the Conservation Commission's Red Wing Farm, open space as defined in the Community Preservation Act, located at 19 Maple Road;

and further

B. to reserve for future appropriation amounts as recommended by the Community Preservation Committee:

(1) a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use,

(2) a sum of money for acquisition and preservation of historic resources,

(3) and a sum of money for the creation, preservation and support of community housing,

or take any other action relative thereto.

Community Preservation Committee

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 12 th day of March, 2003

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

William F. Dalton, Chairman

Michael F. McCall, Vice Chairman

Thomas E. Moran, Clerk

Stuart G. Weisfeldt

Philip M. Eliopoulos

NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 28, 2003.

Thursday, May 1, 2003 at 7:30 p.m.

Monday, May 5, 2003 at 7:30 p.m.

Thursday, May 8, 2003 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 19, 2003

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed: William E. Spence

William E. Spence, Constable

A True Copy Attest: William E. Spence

William E. Spence, Constable

Town of Chelmsford
Town Election April 1, 2003

SELECTMAN (2)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	173	78	140	88	137	167	157	144	120	**1,204**
PHILIP M ELIOPOULOS	375	164	330	279	365	429	511	395	339	**3,187**
WILLIAM F DALTON	329	219	331	264	253	331	340	328	275	**2,670**
DOMINIC M LEONE	77	60	114	75	67	103	125	88	94	**803**
GLENN L DOHERTY	178	58	127	118	213	216	257	176	158	**1,501**
RICHARD P McCLURE	215	73	161	162	139	211	228	171	168	**1,528**
MISC WRITE-INS	1	2	1	0	0	1	0	0	0	**5**
TOTAL	**1,348**	**654**	**1,204**	**986**	**1,174**	**1,458**	**1,618**	**1,302**	**1,154**	**10,898**

SCHOOL COMMITTEE (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	34	12	32	16	25	43	32	29	20	**243**
ANTHONY V VOLPE	162	63	94	153	95	179	80	144	142	**1,112**
KEVIN E PORTER	228	77	183	148	288	266	353	221	195	**1,959**
THOMAS E MILLS	248	175	293	175	179	241	344	255	219	**2,129**
MISC WRITE-INS	2	0	0	1	0	0	0	2	1	**6**
TOTAL	**674**	**327**	**602**	**493**	**587**	**729**	**809**	**651**	**577**	**5,449**

LIBRARY TRUSTEE (2)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	572	281	492	416	508	609	659	540	486	**4,563**
CAROL L SNEDEN	432	216	396	326	354	461	494	430	373	**3,482**
ROBERT F SULLEBARGER	342	157	315	242	310	387	461	332	293	**2,839**
MISC WRITE-INS	2	0	1	2	2	1	4	0	2	**14**
TOTAL	**1,348**	**654**	**1,204**	**986**	**1,174**	**1,458**	**1,618**	**1,302**	**1,154**	**10,898**

Town Election April 1, 2003

BOARD OF HEALTH (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	74	24	66	62	64	80	126	79	77	**652**
STEPHANIE J LEVELL	288	172	299	198	277	276	318	263	286	**2,377**
ANNMARIE ROARK	311	130	237	232	246	372	365	309	214	**2,416**
MISC WRITE-INS	1	1	0	1	0	1	0	0	0	**4**
TOTAL	**674**	**327**	**602**	**493**	**587**	**729**	**809**	**651**	**577**	**5,449**

PLANNING BOARD (3)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	642	289	596	430	549	705	747	597	490	**5,045**
JAMES P GOOD	370	196	336	287	327	418	447	401	327	**3,109**
JOHN S GOFFIN	266	110	206	190	295	274	414	256	259	**2,270**
PAMELA L ARMSTRONG	361	182	301	259	347	381	468	340	295	**2,934**
ROBERT P JOYCE	382	204	366	313	242	408	346	355	358	**2,974**
MISC WRITE-INS	1	0	1	0	1	1	5	4	2	**15**
TOTAL	**2,022**	**981**	**1,806**	**1,479**	**1,761**	**2,187**	**2,427**	**1,953**	**1,731**	**16,347**

PLANNING BOARD ALTERNATE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	260	111	220	188	248	280	330	245	220	**2,102**
MICHAEL W PACITTO	410	215	382	305	339	448	475	406	354	**3,334**
MISC WRITE-INS	4	1	0	0	0	1	4	0	3	**13**
TOTAL	**674**	**327**	**602**	**493**	**587**	**729**	**809**	**651**	**577**	**5,449**

Town Election April 1, 2003

SEWER COMMISSION	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	222	79	166	176	234	254	300	216	211	**1,858**
GEORGE F ABELY	449	248	436	317	351	472	507	435	365	**3,580**
MISC WRITE-INS	3	0	0	0	2	3	2	0	1	**11**
TOTAL	**674**	**327**	**602**	**493**	**587**	**729**	**809**	**651**	**577**	**5,449**

HOUSING AUTHORITY	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	99	28	83	67	113	83	149	94	84	**800**
JOEL J LUNA	119	39	91	83	87	93	107	103	116	**838**
MARY E ST. HILAIRE	455	260	427	341	387	551	552	452	376	**3,801**
MISC WRITE-INS	1	0	1	2	0	2	1	2	1	**10**
TOTAL	**674**	**327**	**602**	**493**	**587**	**729**	**809**	**651**	**577**	**5,449**

CEMETERY COMMISSION	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	202	86	171	157	212	213	265	206	209	**1,721**
JEAN R McCAFFERY	471	241	430	336	374	516	541	445	367	**3,721**
MISC WRITE-INS	1	0	1	0	1	0	3	0	1	**7**
TOTAL	**674**	**327**	**602**	**493**	**587**	**729**	**809**	**651**	**577**	**5,449**

PCT 1 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	1,626	0	0	0	0	0	0	0	0	**1,626**
MICHAEL N RAISBECK	268	0	0	0	0	0	0	0	0	**268**
RODNEY N GREGOIRE	261	0	0	0	0	0	0	0	0	**261**
JAMES P LYNCH	278	0	0	0	0	0	0	0	0	**278**
FRANCES T McDOUGALL	277	0	0	0	0	0	0	0	0	**277**
STEPHANIE J LEVELL	279	0	0	0	0	0	0	0	0	**279**
SAMUEL P CHASE	338	0	0	0	0	0	0	0	0	**338**

Town Election April 1, 2003

PCT 1 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
JOSEPH T HOLLAND	249	0	0	0	0	0	0	0	0	**249**
DONALD F VANDYNE	206	0	0	0	0	0	0	0	0	**206**
MISC WRITE-INS	3	0	0	0	0	0	0	0	0	**3**
TOTAL	**4,044**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**4,044**

PCT 2 TOWN MTG MBR REP Y3	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	952	0	0	0	0	0	0	0	**952**
STANLEY W NORKUNAS	0	181	0	0	0	0	0	0	0	**181**
WILLIAM F DALTON	0	215	0	0	0	0	0	0	0	**215**
JEFFREY W STALLARD	0	207	0	0	0	0	0	0	0	**207**
JOHN W THOMPSON	0	166	0	0	0	0	0	0	0	**166**
JANET E MURPHY	0	213	0	0	0	0	0	0	0	**213**
Charles C. Mullen	0	12	0	0	0	0	0	0	0	**12**
MISC WRITE-INS	0	16	0	0	0	0	0	0	0	**16**
TOTAL	**0**	**1,962**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1,962**

PCT 2 TOWN MTG MBR REP Y2	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	95	0	0	0	0	0	0	0	**95**
PATRICIA E KAHL	0	231	0	0	0	0	0	0	0	**231**
MISC WRITE-INS	0	1	0	0	0	0	0	0	0	**1**
TOTAL	**0**	**327**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**327**

PCT 2 TOWN MTG MBR REP Y1	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	282	0	0	0	0	0	0	0	**282**
Linda Dalton	0	6	0	0	0	0	0	0	0	**6**
MISC WRITE-INS	0	39	0	0	0	0	0	0	0	**39**
TOTAL	**0**	**327**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**327**

PCT 3 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	1,495	0	0	0	0	0	0	**1,495**
HAROLD I MATZKIN	0	0	309	0	0	0	0	0	0	**309**
JUDITH A STRAEFFER	0	0	282	0	0	0	0	0	0	**282**
KATHRYN M FISHER	0	0	290	0	0	0	0	0	0	**290**
JAMES P SPILLER	0	0	304	0	0	0	0	0	0	**304**
C.T. GARRAHAN, III	0	0	285	0	0	0	0	0	0	**285**
SHAUN F SABER	0	0	218	0	0	0	0	0	0	**218**
JAMES F DOLAN, II	0	0	423	0	0	0	0	0	0	**423**
MISC WRITE-INS	0	0	6	0	0	0	0	0	0	**6**
TOTAL	**0**	**0**	**3,612**	**0**	**0**	**0**	**0**	**0**	**0**	**3,612**

PCT 4 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	1,028	0	0	0	0	0	**1,028**
DENNIS P SHEEHAN	0	0	0	291	0	0	0	0	0	**291**
GEORGE A RIPSOM, SR	0	0	0	294	0	0	0	0	0	**294**
SHEILA E PICHETTE	0	0	0	283	0	0	0	0	0	**283**
BILLY L MARTIN	0	0	0	268	0	0	0	0	0	**268**
ELIZABETH M RIPSOM	0	0	0	264	0	0	0	0	0	**264**
LINDA A JONES	0	0	0	283	0	0	0	0	0	**283**
ROBERT O GARDNER	0	0	0	246	0	0	0	0	0	**246**
MISC WRITE-INS	0	0	0	1	0	0	0	0	0	**1**

TOTAL	**0**	**0**	**0**	**2,958**	**0**	**0**	**0**	**0**	**0**	**2,958**

PCT 5 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	0	0	0	0	1,391	0	0	0	0	**1,391**
W ALLEN THOMAS, JR	0	0	0	0	300	0	0	0	0	**300**
KATHRYN A TORRES	0	0	0	0	299	0	0	0	0	**299**
SEAN P NAGLE	0	0	0	0	213	0	0	0	0	**213**
CHRIS L PERKINS	0	0	0	0	255	0	0	0	0	**255**
PATRICIA WOJTAS	0	0	0	0	277	0	0	0	0	**277**
BEVERLY A BARRETT	0	0	0	0	240	0	0	0	0	**240**
DAVID P McLAUGHLIN	0	0	0	0	251	0	0	0	0	**251**
JUDITH A TAVANO	0	0	0	0	293	0	0	0	0	**293**
MISC WRITE-INS	0	0	0	0	3	0	0	0	0	**3**
TOTAL	**0**	**0**	**0**	**0**	**3,522**	**0**	**0**	**0**	**0**	**3,522**

PCT 6 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	0	0	0	0	0	1,702	0	0	0	**1,702**
JUDITH A OLSSON	0	0	0	0	0	460	0	0	0	**460**
DAVID J McLACHLAN	0	0	0	0	0	401	0	0	0	**401**
M ELIZABETH MARSHALL	0	0	0	0	0	369	0	0	0	**369**
NORMAN J AUBERT, JR	0	0	0	0	0	316	0	0	0	**316**
MARIANNE J PARESKY	0	0	0	0	0	370	0	0	0	**370**
STUART G WEISFELDT	0	0	0	0	0	374	0	0	0	**374**
GLENN L DOHERTY	0	0	0	0	0	381	0	0	0	**381**
MISC WRITE-INS	0	0	0	0	0	1	0	0	0	**1**
TOTAL	**0**	**0**	**0**	**0**	**0**	**4,374**	**0**	**0**	**0**	**4,374**

PCT 7 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	0	1,757	0	0	**1,757**
KATHERINE H DUFFETT	0	0	0	0	0	0	448	0	0	**448**
JOAN D MORRISON	0	0	0	0	0	0	391	0	0	**391**
DWIGHT M HAYWARD	0	0	0	0	0	0	420	0	0	**420**
R KENLEY FREEMAN	0	0	0	0	0	0	322	0	0	**322**
CLARE L JEANNOTTE	0	0	0	0	0	0	293	0	0	**293**
THOMAS E MILLS	0	0	0	0	0	0	404	0	0	**404**
ROBERT F SULLEBARGER	0	0	0	0	0	0	367	0	0	**367**
GAIL F McCALL	0	0	0	0	0	0	447	0	0	**447**
MISC WRITE-INS	0	0	0	0	0	0	5	0	0	**5**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**4,854**	**0**	**0**	**4,854**

PCT 8 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	0	0	1,311	0	**1,311**
JODI L O'NEILL	0	0	0	0	0	0	0	349	0	**349**
ALEXANDER W GERVAIS	0	0	0	0	0	0	0	306	0	**306**
JOHN E ABBOTT	0	0	0	0	0	0	0	273	0	**273**
SAMUEL POULTEN	0	0	0	0	0	0	0	277	0	**277**
GAIL T ZAHAROOLIS	0	0	0	0	0	0	0	269	0	**269**
DEBORAH VILLANO	0	0	0	0	0	0	0	232	0	**232**
RACHAEL A HADED	0	0	0	0	0	0	0	211	0	**211**
CAROL C CLEVEN	0	0	0	0	0	0	0	378	0	**378**
MARY E TIANO	0	0	0	0	0	0	0	298	0	**298**
MISC WRITE-INS	0	0	0	0	0	0	0	2	0	**2**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3,906**	**0**	**3,906**

Town Election April 1, 2003

PCT 9 TOWN MTG MBR REP	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	0	0	0	0	0	0	0	0	1,551	**1,551**
DORIS M BRIGGS	0	0	0	0	0	0	0	0	323	**323**
GARY A MATHEWS	0	0	0	0	0	0	0	0	302	**302**
MATTHEW X O'BRIEN	0	0	0	0	0	0	0	0	305	**305**
JOHN M SHAW, JR	0	0	0	0	0	0	0	0	355	**355**
ARTHUR R CARMEN	0	0	0	0	0	0	0	0	306	**306**
J STEPHEN CLARK	0	0	0	0	0	0	0	0	312	**312**
MISC WRITE-INS	0	0	0	0	0	0	0	0	8	**8**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3,462**	**3,462**

TOWN MEETING REPRESENTATIVES BY VOTE ORDER

Pct 1 Town Mtg Reps (6)	XXXXX
Samuel P. Chase	338
Stephanie J. Levell	279
James P. Lynch	278
Frances T. McDougall	277
Michael N. Raisbeck	268
Rodney N. Gregoire	261
Laura C. McGuigan	259
Joseph T. Holland	249
Donald F. VanDyne	206

Pct 2 Town Mtg Reps (6)	XXXXX
William F. Dalton	215
Janet E. Murphy	213
Jeffrey W. Stallard	207
Stanley W. Norkunas	181
John W. Thompson	166
Charles D. Mullen **(Write-in)**	12

Pct 2 Town Mtg Reps (1) 2	XXXXX
Patricia E. Kahl	231

Pct 2 Town Mtg Reps (1) 1	XXXXX
Linda Dalton **(Write-in)**	6

Pct 3 Town Mtg Reps (6)	XXXXX
James F. Dolan, II	423
Harold I. Matzkin	309
James P. Spiller	304
Kathryn M. Fisher	290
Christopher T. Garrahan, III	285
Judith A.Straeffer	282
Shaun F. Saber	218

Pct 4 Town Mtg Reps (6)	XXXXX
George A. Ripsom, Sr	294
Dennis P. Sheehan	291
Sheila E. Pichette	283
Linda A. Jones	283
Billy L. Martin	268
Elizabeth M. Ripsom	264
Robert O. Gardner	246

Pct 5 Town Mtg Reps (6)	XXXXX
W. Allen Thomas, Jr	300
Kathryn A.Torres	299
Judith A. Tavano	293
Patricia Wojtas	277
Chris L. Perkins	255
David P. McLaughlin	251
Beverly A. Barrett	240
Sean P. Nagle	213

Pct 6 Town Mtg Reps (6)	XXXXX
Judith A. Olsson	460
David J. McLachlan	401
Glenn L. Doherty	381
Stuart G.Weisfeldt	374
Marianne J. Paresky	370
M. Elizabeth Marshall	369
Norman J. Aubert, Jr	316

Pct 7 Town Mtg Reps (6)	XXXXX
Katherine H. Duffett	448
Gail F. McCall	447
Dwight M. Hayward	420
Thomas E. Mills	404
Joan D. Morrison	391
Robert F. Sullebarger	367
R. Kenley Freeman	322
Clare L. Jeannotte	293

Pct 8 Town Mtg Reps (6)	XXXXX
Carol C. Cleven	378
Jodi L. O'Neill	349
Alexander W. Gervais	306
Mary E. Tiano	298
Samuel Poulten	277
John E. Abbott	273
Gail T. Zaharoolis	269
Deborah Villano	232
Rachael A. Haded	211

Pct 9 Town Mtg Reps (6)	XXXXX
John M. Shaw, Jr	355
Doris M. Briggs	323
J. Stephen Clark	312
Arthur R. Carmen	306
Matthew X. O'Brien	305
Gary A. Mathews	302

RECOUNT FOR BOARD OF HEALTH 4-17-03

(Final Total Tally Sheet) Town Election 4-1-03

| BOARD OF HEALTH | XXXX

ANNUAL TOWN MEETING
APRIL 28, 2003

The Annual Town Meeting was called to order at 7:35 PM at the Senior Center. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were 151 Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting regarding amending motions and discussions. He then asked the Body to have a moment of silence for Roger Welch who had recently passed away. Roger Welch had served on the Board of Library Trustees for many years.

Selectman Michael F. McCall moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously**. Selectman Michael F. McCall moved that the reading of the entire warrant be waived. **Motion carried, unanimously.**

The Moderator asked that the Body vote to allow the following non-residents, permission to speak and address the Body during the Nashoba Valley Technical High School Committee's article. Victor Kiloski, Principal and Beverly Teft, Business Manager. The Moderator asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 1. Selectman Michael F. McCall moved that the Town vote to amend the Town of Chelmsford Code Chapter 154, Town Meeting, by adding the following section:

154-17 **Pledge of Allegiance**
Each session of Town Meeting shall begin with the recitation of the United States Pledge of Allegiance.

Selectman Thomas Moran explained that this is an article that should be acted on. He would like to see it be a procedure at all meetings. The Moderator asked if the intention of the article is to begin each session of the Town Meeting, or only the opening night? Selectman Moran said he'd like to see each session. Brian Latina said that the Boy Scouts were available tonight to present the colors. The Moderator said this could not be done at this session. Selectman Moran felt that if the article passed that the procedure should be effective immediately. The Moderator explained that the article, which is an amendment to the Town's by-laws if approved, would be sent to the Attorney General, who has ninety days to approve or disapprove the by-law. Besides, the wording of the article says each session shall begin and because the session has already started he can not recognize the by-law. However, if the article passes, he would waive waiting for the pending AG's approval and if the next session is this coming Thursday night, then he will begin that meeting with the Pledge of Allegiance. Arthur Carmen wanted to know if it was a requirement for the Town Meeting Representatives to participate in this action. Selectmen Moran said it wasn't. Arthur Carmen moved to amend the article. The Moderator accepted the amendment and explained that this would be taken up at the debate session of the article. William Spence questioned why did this have to be a by-law, why couldn't the Moderator just do it, just like

he did the moment of silence. The Moderator explained that for the last twenty years or so this procedure had been in place. He felt that anytime a request is made to change or add a procedure to the Town Meeting process, then it should be reviewed and voted on by the Body. That is why he had submitted Article 3 which was a result of debate from the previous October meeting. He asked if there were any more questions, hearing none he asked for the Finance Committee's recommendation. The Finance Committee was in favor of the article. The Board of Selectmen unanimously supported the article. The Moderator then read Arthur Carmen's motion to amend. He wanted the following sentence added to the article. "This provision does not require any person to stand or recite the Pledge of Allegiance". John Coppinger felt in these times when troops are overseas fighting a war that it was unpatriotic not to want to recite the Pledge. The Moderator asked if there was any need to hear further debate on the motion to amend, hearing none he asked for a vote by way of a show of hands. **Motion defeated**. A lengthy discussion took place. Kathy Brough spoke against the article. She doesn't believe in supporting a symbol. Glenn Thoren spoke in favor of the article. He felt that this is a way to show support for the current troops in Iraq and veterans from previous wars. Howard Hall stated that he is a veteran. He said that if people really wanted to support veterans, then people should financially support veteran groups especially with the current financial economic condition that the State and Federal government is in. Fran McDougall and May Deviney spoke against the article. Brian Latina felt it was wrong that the Boy Scouts who were present in the hall not be allowed to present the colors. He said that they were Eagle Scouts and began to name them when the Moderator ruled him out of order. The Moderator asked if there was any need to hear any further debate. Hearing none he asked for a show of hands on the article, **motion carried.**

James Lynch moved to recess the meeting. The Moderator asked for a show of hands, **motion defeated**. The meeting continued.

UNDER ARTICLE 2. Selectman Michael F. McCall moved that the Town vote to hear reports of the Town Officers and Committees.

The Town Manager said there were no reports to give and asked that the article be withdrawn. The Moderator asked for a show of hands**, motion carried**.

UNDER ARTICLE 3. Selectman Michael F. McCall moved that the Town vote to form a committee of Town Meeting members as provided under Section2-12 (d) of the Chelmsford Home Rule Charter. This Committee would consist of the Town Moderator and one Town Meeting Representative from each precinct, elected by the precinct representatives. The purpose of the Committee will be to study the Moderators Rules and Town Meeting procedures including, but not limited to, recitation of the Pledge of Allegiance and the utilization of a consent agenda. The Committee will expire upon presentation of their report to the Town Meeting on October 20, 2003.

The Moderator said that due to the passage of Article 1 there was no need to move forward with this article.

UNDER ARTICLE 4. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $150,000 to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6.

The Manager explained that for a number of years this is the same amount that has been put aside. This is to be used for emergency use by the Finance Committee. It is an adequate amount and asked for support of the article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 5. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $25,000 for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998.

The Town Manager explained that this is the fifth year of a ten year payment plan. The land is located behind the highway garage on Richardson Rd. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 6. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $818 with which to meet bills from previous years.

The Manager explained that this is a result of two unpaid bills. A $299 Xerox bill and equipment that was purchased for the Sewer Division in the amount of $519. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried.**

UNDER ARTICLE 7. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $25,000 to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford.

The Manger explained that this is the amount for the annual audit. The Town receives money for grants and because of this it is required that a yearly audit be conducted. Therefore all the departments are audited. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 8. Town Manager Bernard F. Lynch moved that the Town vote to transfer $347,730 from Free Cash to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department in FY04.

The Manager explained that this is the third year for this type of article. Teachers take advantage of this opportunity. Certain contracts are entitled to this. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 9. Town Manager Bernard F. Lynch moved that the Town vote to transfer $7,500 from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget Fiscal Year 2004.

The Manager explained that this is a standard article. The money is used to enforce the wetland protection act. This offsets the cost of reinforcement. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 10. Town Manager Bernard F. Lynch moved that the Town vote to transfer $1,300,000 from Sewer Betterments, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 2004 Budget.

The Manager explained that this is a standard article. It is the amount used to reduce the cost of the sewer project. For the time being, the Town will use State loans and betterments to fund the program rather then go for additional funding by way of an over-ride ballot question. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 11. Town Manager Bernard F. Lynch moved that the Town vote to transfer from the Stabilization $1,900,000 to be used to offset that portion of debt and interest in the Fiscal Year 2004 Budget.

The Manager explained that he will be asking for more money next year. It is important to keep the money in the stabilization fund. This helps with the bond ratings when it comes time to borrow money for capital projects. In the future the Town may have to take money out of the fund at another Town Meeting to fund the operating budget. The amount shown in this article will balance out the budget for this year. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 12. The Town Manager explained that the revenue numbers shown in the gray budget book and the red Finance Committee book are based on the Town's projections of receipts and tax revenue and the Governor's budget figures which was a 1 ½ million dollars reduction in State Aid, which was a 12 to 13 % reduction, that was available in mid February. They are not the true figures because the State Aid figures are in question. Last week the House Ways and Means Committee released their budget figures and the situation is worse. That is the revenue problem that the Town has. The taxes haven't fallen off, new growth is comfortable, there is money available in various funds. Receipts haven't fallen off, in fact they have increased in some cases. The issue is really State Aid. The Commonwealth is in trouble and because of reductions taken in previous years. This hits Chelmsford hard. He then gave a list of the various accounts affected by the reduction in

State Aid. He showed the difference between the FY 04 Governor and Legislators budget figures. School Aid Chapter 70 is the biggest account affected, had been receiving in FY02/03 $8.2 million dollars. Under the Governor's budget it was reduced by $800,000, down to a figure of $7.4 million, which was misleading. This account now includes Regional School Aid, which would be $198,000 for Nashoba Tech. Then the Legislator's budget figures, which were just made available, last week, reduce the figure to $6.6 million dollars and said that they would send Nashoba their own money. This is a reduction in Chapter 70 monies of $1.6 million dollars for education spending in the community. The Governor eliminated the Additional Assistance Programs completely. However, Legislators reduced the programs by $2.6 million dollars which resulted with a total budget figure of $2,535,312. School transportation eliminated completely. School construction now projected to receive $379,000 in reimbursement. Library and Veterans programs stayed the same. Highway Fund Chapter 81, which was funded by the gas tax to enable communities to maintain roads, was eliminated completely by the State. The Lottery was reduced by the Governor to $1,945,163 however, Legislators budgeted $2,759,928 so there was an increase. Under Exemptions which fund abatement programs for the veterans and elderly stayed the same. State Owned Land was budgeted by the Governor with a figure of $228,296 the Legislators reduced it to be $8,463. Under the Police Incentive Program known as the Quinn Bill the Manager said that he is not yet sure what the actual figure will be. Presently it is being debated by the Legislator, so he is showing the same figure that the Governor had of $200,000. Under Local Aid Mitigation the Governor recognized the cuts that he had made in some of the programs, so he created this program. The purpose was to lessen the impact of the cut in aid which would be phased out over two to three years. He had budgeted $3,314,378, however, the Legislators eliminated it completely. In FY03 the State Aid budget figure was $15,101,320. For FY04, the Governor's total budget for State Aid is $13,689,335, while the Legislator's is $12,665,255. This reflects a difference of $1,024,080. If you minus the Chapter 70 to Nashoba impact, it creates budgetary problem of $826,000. The choices on how to handle this was to pass the budget as is and hope that the Governor's budget would prevail, which he felt wouldn't happen. The Town could just deal with the non financial articles, and wait until June or October to cut the budget. However, that is a problem for a number of departments; particularly this would affect the School Department. There is a need for the School Department to know what level of funding they will have for the year. After working with the figures, the conclusion was to reduce the School Department by $400,000 and take the remaining portion out of the stabilization fund. After reviewing the Charter School figures it was decided to reduce the actual School figure down to $350,000. By reducing the Nashoba figure to what Chelmsford feels the contribution figure should be $122,769. The total projected shortfall would be $293,562. He said he had anticipated taking $400,000 from the stabilization fund. If he didn't have to take that amount out he would split the difference with the School Department and put more money back into the School Budget and take a smaller amount out of the stabilization fund. The purpose is to minimize the impact on the school budget but at the same time recognize that all the reductions are all coming on the education side of the State Aid ledger and the Town does have some flexibility to use the stabilization fund as a short term borrowing tool. The State Aid formula is against Chelmsford, there has been a problem with the Chapter 70 Fund for years. Various accounts have been short changed between $1 million to $6 million dollars on an annual basis. Every year the State Legislators say they are going to do something about the formula which expired in the year 2000 and they still haven't done anything about it. The Governor does recognize that Chelmsford spends more than other communities on education

and that the formula is wrong. The Manager encouraged the Body to contact the four State Representatives and Senator and express that the formula needs to be adjusted. He then went on to talk about the budget. Presently local taxes represent 65% of the Town's revenue. Now it will be 69% due to State Aid which used to be 20%. It is now reduced to 15%. He explained that the present fiscal year budget has a shortfall of $582,480 which is a result of cuts that the Governor made in State Aid at the beginning of the year. This will be a problem for generating free cash for the snow and ice account and adding money into the stabilization fund. He showed a graph on State Aid from 1988 to present, showing the highs and lows. He projected what State Aid will look like in eight years, and the situation could get worse. Most financial analysts say the economy hasn't been this bad since the depression. State and Local Governments are bearing the blunt of recession. There are serious financial issues going on. He talked about the available funds and went over the local receipts. He then talked about the expenditure side of the budget, showing where the reductions were made in the various departments. He explained that Nashoba Valley Technical High School requested a budget figure of $1,280,500 based on the Governor's budget which included their portion of the Chapter 70 money being sent to Chelmsford. After going over details and figuring that the Legislators Budget is the one that the State is going to be going by, which means that their $198,068 Chapter 70 monies will be sent directly to them. He recommended the NVTH budget be $850,000. If need be they can re-work their numbers and request more money if necessary. Under Public Safety he talked about the new Police Station now being opened and invited the public to go through it at the scheduled open house. Under the Fire Department currently there are forty-five firefighters and is planning to bring the force up to forty-eight. Presently all five fire stations are open but the future goal will be to build a new central station and consolidate. He went over the Community Services, Undistributed Expenses and Debt and Interest line items.

Dr Richard Moser came forward to talk about the School Department budget. He said that there is good and bad about the budget. It is good that the Town is moving forward because there are time sensitive issues which need to be addressed regarding programs and staff. The bad part is the reductions that will have to be made. There are three issues in front of the School Department. 1. The budgetary problems which are not over. 2. Grants have been reduced both Federal and State. 3. The current $40,800,000 budget does not include collective bargaining. The Town must be competitive with the surrounding towns in order to maintain good staff. Due to reductions, the issues that must be looked at are class size, transportation and athletics.

Barbara Skarr questioned if there is going to be a reduction of a Librarian at the Center School Library. Dr Moser said that the present staff of two will be reduced to one, just like all the other elementary schools. David McLachlan questioned the maintenance account. Judy Mallette questioned the $350,090 reduction to the School Department's budget. She then questioned using stabilization money in the fall. The Manager explained that he would only use what was necessary from stabilization. She questioned how we can go into the FY with an unbalanced budget; felt that it hasn't been done in the past. The Manager explained that it has been done once or twice in the past ten years. . Due to a number of questions regarding State Aid, revenues, NVTH School Budget, there is a plan to transfer the money at the fall town meeting once the final figures are in. Jim Hickey questioned the NVTHS Budget figure. Mary Franz, who was the Finance Committee's educational representative, said that until the House releases the actual numbers the $850,000

is a fair amount for the Town to budget. Numerous questions were asked by Karen DeDonato, and Kathy Duffett. Judy Mallette wanted to know why the stabilization fund article couldn't be increased. John Giorgio, Town Counsel, said that the figure can't be any higher than what is advertised in the warrant. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Robert Joyce who was one of the Town's three Representatives to NVTHS School Committee came forward and discussed the cut made to NVTHS Budget. He said that he had personnel from Nashoba who could answer any questions if needed. He explained that NVTHS Budget covers everything in their budget. debt, insurance. Unlike Chelmsford where the School Department's budget figure is just used for the schools and the Town pays for other items. Robert Joyce then moved to amend the Manager's figure of $850,000 to be $1,280,518. He said that if necessary the NVTH School Committee would call for a special town meeting. Strat Dukakis wanted to know how much money is in school choice tuition. Beverly Teft, Business Manager at NVTHS answered his questions. Barbara Ward questioned if the figure that NVTHS wants is voted what would happen if the Legislator did in fact provide $850,000. Then the Town's share of NVTHS budget would be adjusted. Dennis Ready questioned why money couldn't be used from stabilization. The Moderator explained that it is a fixed amount in the article. A lengthy discussion took place on the motion to amend. Jeffrey Stallard moved the question to stop debate. The Moderator asked for a show of hands on the motion to stop debate. **Motion carried.** The Moderator asked for a show of hands on the motion to amend the budget figure for NVTHS. **Motion defeated.** Jeffrey Stallard moved to stop debate on the budget. The Moderator asked for a show of hands, which left the Chair in doubt. He asked that the tellers come forward and conduct a hand count: Dorothy Frawley, Kathy Weeks, Lucy Simonian and John Maleski. The result of the hand count was Yes 84 no 50 89 is 2/3's **Motion defeated.** The meeting continued. Melissa Rossi questioned the Library issue at the Center School. Dr Moser explained that it was based on equality. All the elementary schools have one librarian. She wanted to know what would happen to the tela media center that is manned by the two Librarians, she felt it would be drastically impacted. Dr Moser said he will look into it and not diminish the service. Where and when could these issues be further discussed? Dr Moser said at the next School Committee meeting. The Moderator asked if there was any need to hear any further debate, hearing none he asked for a vote by way of a show of hands, **motion carried.** The article reads as follows:

Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate the sum of $77,614,310 to defray Town charges for the fiscal period July 1, 2003 to June 30, 2004 according to the following line items:

Municipal Administration	
Personnel Services	$1,273,794
Expenses	$616,906
Chelmsford School Department	$40,450,000
Nashoba Technical High School	850,000
Public Safety	
Personnel Services	$8,131,874
Expenses	$793,465

Public Works	
Personnel Services	$1,921,091
Expenses	$4,004,907
Snow and Ice	$460,000
Offset Receipts	($1,757,926)
TOTAL	$4,628,072
Sewer Commission Expenses	$13,000
Cemetery	
Personnel Services	$233,829
Expenses	$39,075
Community Services	
Personnel Services	$424,810
Expenses	$142,950
Library	
Personnel Services	$950,001
Expenses	$394,189
Undistributed	$9,261,391
Debt	
Principal	$6,202,494
Interest	$3,208,460

Selectman Michael McCall moved that the Town Meeting be adjourned until Thursday May 1, 2003 at the Senior Center. The Moderator asked for a show of hands on the motion, **motion carried, unanimously.** The meeting adjourned at 11:10 PM

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
May 1, 2003

The Adjourned Annual Town Meeting was called to order at 7:30 PM at the Senior Center. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were 138 Town Meeting Representatives present. He began the meeting with the Pledge of Allegiance.

The Moderator said that he considers adding the Pledge a significant decision rather than a minor decision. The reason being 50 % of the cities and towns in the Commonwealth don't do it and 50% do. Debate usually takes place one way or the other regarding the issue. He also felt how the Body does it is just as important as well. He felt that the Committee that would have been created under Article 3 should still be formed to address this issue and report back to the Body at a future meeting. David McLachlan moved to form a Committee as mentioned in the previous Article 3 to study the Moderators Rules and Town Meeting procedures. The Finance Committee was in favor of the motion. The Board of Selectmen was in favor of the motion. The Moderator explained that a member from each precinct would be chosen and then meet from time to time and report back to the Body at the October meeting. Robert Joyce questioned how this could be done if the article was addressed at the previous session. The Moderator explained that no action was taken under Article 3 and the Moderator can form a committee to study procedures at his discretion. Selectmen Moran questioned if the intent of the motion was to have the Committee review the action of saying the Pledge of Allegiance. The Moderator said the intention was to have the Committee decide how the ceremony was to be performed. He would like the Committee to look over the rules and procedures of the Town Meeting. Selectman Moran felt that the purpose was to eliminate the Pledge. It is not intended to eliminate the Pledge but review the presentation of motions, the set up of the hall , set up a consent calendar. David McLachlan explained that due to the confusion that took place regarding the Boy Scouts presenting the colors the other night, other groups may want to participate and this should be addressed. Tony Volpe questioned how something can be addressed at this meeting if it was already acted on at the previous meeting. The Moderator said that no action was taken on the article. A Committee doesn't need to have an article voted upon in order to be formed. It can be decided at any session to form a committee if the need is there. Tony Volpe did not agree. He felt that whether it was voted on yes, or no, or pulled, it was in fact acted on. Bill Dalton said that the Moderator runs the meeting and if he requests that a Committee be formed then it should be. He wanted to amend the motion that the Committee be formed to review only the rules and procedures for conducting the Town Meeting and not have any thing to do with the Pledge of Allegiance. All meetings should start with the Pledge just like the Board of Selectmen do. Bill Dalton withdrew his motion per Town Counsels advice because reciting the Pledge is now a by-law that has been voted. Once approved by the Attorney General it would have to be brought back and amended if a change is to be made to it. George Zharoolis said that according to the present rules and procedure in the Finance Committee's budget book, the motion to take a vote is out of order because it can not be brought back again. He asked for Town Counsels opinion. Attorney John Giorgio explained that no positive or negative vote took place. The Body can decide anytime to appoint a Committee. Richard Johnson urged that the Body vote against the motion. The Moderator asked for a show of hands on the motion, which left the Chair in doubt. He requested the following tellers to come forward

and conduct a hand count: Lucy Simonian, John Maleski, Dorothy Frawley, and Barbara Griffin. Before doing an actual hand count he asked for a show of hands. He was still in doubt the tellers conducted a hand count.. Result of the hand count: Yes 54 No 69 **the motion is defeated.**

UNDER ARTICLE 13. The Town Manager explained that this budget is just as important as the operational budget that was passed the previous night. This allows the Town to extend out payment schedules in order to manage the payments over a period of time. An item must have a five year life and be valued over $25,000. 60% of the Capital Planning Budget is school related the other 40% goes towards the Town. The process is a lengthy process. Departments must look five years ahead before making their requests. Often times it takes longer to get to them. Requests are reviewed and the total cost of the budget can not exceed $2 ½ million. A number of the items are deemed to be a long term benefit for the community and put forth on this budget. He went over the items listed. The present phone system at the municipal offices is 15 years old. The equipment is out of date and non replaceable. The GIS Mapping system will be an important asset. It allows the Town to manage its data. Ideally every ten years the Town should be flown and mapped out. The Town was last done sixteen years ago and ten years prior to that. This allows the Town to see the growth that has taken place. The GIS technology that is now available will allow the information to be digital formatted. It can be used by various departments, Planning, Public Safety, Assessors, and School Department. EPA requires more and more information regarding drainage. It will manage our sources in an effective way. Go out for bid in the fall and have the Town flown in the spring when there are no leaves on the trees. Cruisers are on the road 24-7 important to have good equipment. Old cruisers are sold or transferred to another department. The cost for the maintenance building at the Cemetery Department would normally be much higher, but, in this case all the Town has to do is buy the materials NVTHS will build the building. Drainage is a problem throughout the Town. Work is timed to work in connection with the sewer contractors once they put in the lines, the drainage is addressed then the contractor repaves. Over 200 miles of road need to be maintained. The roof at the old Town Hall is 23 yrs old last done in 1980 when the building was renovated. The side walk plow is more than that. It is a side walk maintenance machine. It blows snow, plows snow and has a sweeper attachment as well as a sander. Right now there is a total of 70 sidewalk miles, which must be maintained. In the Library the public computers are used constantly 24-7 and must be replaced. The old ones will be moved within the library. Modular class rooms must be added to the Parker School due to enrollment increase in the area. In regards to maintaining the Schools, the ongoing project of replacing the McCarthy roof is now on the agenda again. It was decided to do both the roof and fans at the Westlands School. The original request was just for the roof, upon review it was better to do both at the same time. The High School track needs to be brought up to date. And the final item is updating the Schools technology programs. He listed the members of the Committee: himself, John Curlin from Finance, Steve Mallette from the Library, John Morrison and Dennis Bak, citizens of the Town, Fred Mansfield Finance Director. He asked for support of the budget.

Arthur Carmen asked if this was worked on prior to the State Aid numbers coming out. The Committee worked on this prior to the State releasing of the figures. Arthur Carmen questioned if there was any real need for the GIS mapping system? It is a

huge expense, could it be eliminated, considering the financial state of the Town and State. The Manager said that it could, however, it might be another three years before it would come back and the Town already is behind on updating it's the aerial view. Arthur Carmen said that considering that the School Department is contemplating the elimination of transportation, this item doesn't seem important. The Manager explained that by eliminating this item it will not put $250,000 into the budget. Arthur Carmen moved to delete this item from the list. The Moderator asked him to come forward with his motion; he explained that this will be the first item brought up under debate. Robert Joyce questioned what exactly was the Technology that the School Department was seeking? Bruce Forrester Director of Technology said it was to replace the main fire wall in the system in June. The rest was to update the infrastructure of the middle school and high school. By having individual computers available to the staff in the High School it will enable each faculty member to have a computer in their classroom which will make the internet available. How many computers will this buy? Between 118 to 120. Jim Dolan questioned the bidding process of the roofs mentioned in the article. Will each one be bid out or all together? The Manager said that the Old Town hall will be separate because it is shingled. The School Department will be doing their own bidding. Jodi Murphy questioned how many schools need roofs. High School, Harrington and Parker. Are they currently leaking? Robert Cruickshank, Business Manager of the School Department, answered the question. Yes, a company called ARM walks the roofs twice a year and does repair them when necessary. Jodi Murphy questioned if the Committee looked at repairing all the school roofs at once rather than yearly. The Manager said that the recommendation comes from the School Committee. They decide what should be done. She asked what the age was on the Library computers. They were purchased in 1999. She felt that due to the economic state perhaps they could be put off and the money could go towards bigger items of needs. The Manager said that the computers are in constant use and the same could be said about School Technology. She asked if it is more often than not once a School facility like the track is repaired that it is found that it is not ADA approved and must be updated. Gary Persichetti was going to answer the question. The Moderator made a point of order, Gary Persichetti is not a resident and needs permission to speak, and he asked for a show of hands, **motion carried.** Gary Persichetti said that yes this does happen often. In this particular case the High School track was never ADA approved and needed to be. Judy Mallette questioned if an item which appeared in the list could be increased. John Giorgio said it could be raised or lowered as long as the total amount didn't exceed the bottom line, and as long as a totally new item isn't added to the list. Jodi O'Neill questioned if GIS mapping was eliminated could the money be forwarded to a different line item. Counsel said he'd have to see the line item before he could rule. She said that she'd like to be able to manipulate the money and decide where the money should go. The Moderator said that potential jeopardy could occur because people didn't realize that something was going to happen because it wasn't posted in the warrant. Glenn Thoren wanted to know if GIS mapping will help the Town run more efficiently. The Manager explained that it combines the graphics, the lines, the population, the age, the number of fire calls, police calls, building permits etc and manipulate the data. It will allow the Town to plan better, a time saving factor. Due to the possibility of future staff cutback this will help the Town run more efficiently and manage the natural resources more efficiently. Mark Connors questioned why this information couldn't be produced thru satellites instead of flying the Town. The technology isn't advanced enough. Mark Connor felt that more information should be provided regarding the number of items being purchased. He would also like to know what exactly the Representatives are allowed to vote

on. He felt that all they do is rubber stamp articles. The Manager said that the Representatives can move money around in the budget if they want. He may advise against doing so because it could produce an unbalanced budget, but that is the Representatives choice. Any money article that says "a certain sum or act in relation thereto" can be amended to be whatever the Representatives want to spend. However, if the warrant has a specific amount shown, then that amount cannot be voted any higher. Jim Hickey questioned the Managers opinion. He read to the Body the town by-laws and felt that any article can be amended regardless. John Giorgio said this is a borrowing article. Bond Counsel has specific rules when it comes to writing the note. Very leery on approving a borrowing article if it has substantially changed. The Town Manager explained that the Capital Planning Budget is done in a very comprehensive and consolidated fashion. This has been the way it has been presented for the last 15 years, prior to that there was no rhyme or reason to planning the budget. This is the preferred way. The Town puts together all the priorities and sets them forth in a comprehensive fashion. This is separate from the operating budget, because the funding is different. It is reviewed by bond counsel and the financial consultant in order to issue opinions regarding the towns' action which must be clear on the funding. Dennis Ready said that the Body has always been told that you can't vote an unbalanced budget, and this was done the other night. The Manager said that you can vote like the Body did but before the figures are sent to the State for certification of the tax rate, you have to list out your revenues and expenditures and have a zero or surplus balance. The Body has voted just like the other night in the past. The Budget is voted and then addressed in the fall before the numbers are sent to the State. Dennis Ready questioned if the GIS Mapping monies were removed and the money put towards the McCarthy roof would this put the article in jeopardy. John Giorgio said it could because it is a substantial change. Dennis Ready questioned if NMCOG was doing this also. No, they do not have the capacity to do so. Jodi O'Neil questioned if this article was defeated how long would it be before the article came back to the Body. He said it wouldn't be until the fall. She questioned why so long? Everything would have to be reviewed. The Moderator asked if the Finance Committee had a recommendation. The Finance Committee recommends the article. The Board of Selectmen recommended the article. The Moderator read Arthur Carmen's motion to amend. Arthur Carmen moved to amend the article by deleting the reference to GIS Mapping; and by decreasing the total appropriation from $2,533,100 to $2,283,000; and by reducing the amount to be borrowed from $2,480,100 to $2,230,100. Kathryn Fisher said she works at the Groton Town Hall and is also a paralegal; she had seen a demonstration of a GIS mapping system at the Groton Town Hall last week. It is a marvelous tool. This is something that the Town will use. It is a wonderful opportunity to take advantage of. She urged for support of the article. Glenn Thoren said this should be considered an investment rather than an expense. Arthur Carmen said that this is not the time to buy gadgets and toys. We are in a depression, this item could be postponed. He asked that the Body vote in favor of the motion to delete. Tony Volpe spoke against the motion felt that the article shouldn't be changed and put the Schools roofs at risk. Brian Latina spoke in favor of the article. Bond rates are at an all time low. This is the best time to purchase the system. Arthur Carmen said that his motion will not put the School items in jeopardy. He is only removing an item and not adding to the bottom line. He asked Town Counsel for his opinion. John Giorgio agreed, as long as no other item is added to the article, then Arthur Carmen's motion would be fine. Jim Hickey spoke in favor, as long as the Body can't move money within these line items there is no need to remove the item. Barry Balan moved the question to stop debate. The Moderator asked if there was any need to hear further debate, hearing none he asked for a show of hands

on the motion to amend, **motion defeated.** Dennis Ready moved to stop debate on the main motion. The Moderator asked if there was any need for debate, hearing none he asked for a show of hands. The Moderator **declared that the motion carried by recognizing the 2/3's vote rule.** The article reads as follows:

Town Manager Bernard F. Lynch moved that the Town vote to appropriate the sum of $2,533,100 for the following capital projects:

Municipal Administration	Central Phone System	$50,000
	GIS Mapping	$250,000
Police Department	Cruisers	$153,000
Cemetery Department	Maintenance Building	$35,000
DPW	Drainage	$100,000
	Road Maintenance	$200,000
	Old Town Hall Roof	$43,000
	Sidewalk Plow	$107,000
Library	Computer Replacements	$30,000
School Department	Modular Class Rooms-Parker	$400,000
	McCarthy Roof	$400,000
	South Row Boiler & Generator	$240,100
	Westlands Roof and Fans	$330,000
	High School Track ADA	$25,000
	Technology	$170,000

And to transfer the sum of $8,017 from unexpended bond proceeds under Article 9 of the Annual Town Meeting of April 26, 1999; transfer $27,686 from unexpended bond proceeds under Article 10 of the Annual Town Meeting of April 27, 2000; transfer $3,997 from unexpended bond proceeds under Article 11 of the Annual Town Meeting of April 27, 2000; transfer $13,400 from unexpended bond proceeds under Article 14 of the Annual Town Meeting of May 3, 2001;and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow $2,480,000 under Massachusetts General Laws Chapter 44, Sections 7 and 8 or any other enabling authority to fund these obligations.

UNDER ARTICLE 14. John Sousa Cemetery Superintendent moved that the Town vote to transfer $18,000 from the sale of the Graves and Lots to the Cemetery Improvement and Development Fund.

John Sousa, Cemetery Superintendent, explained that this is a annual article. A Town Meeting vote is required to transfer the monies. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 15. Town Manager Bernard F. Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 2004. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to $300,000 during Fiscal Year 2004.

The Town Manager explained that this has been a yearly item for at least the last five years. It is a State law that every year Town Meeting must vote to approve any and all revolving accounts. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 16. Town Manager Bernard F. Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Police Department for Fiscal Year 2004. The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of equipping new police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to $50,000 during Fiscal Year 2004.

The Manager explained that again a vote is required per State law just like the previous article. Dean Carmaris questions why this article is needed if cruisers are purchased through the Capital Planning Budget. The Manager explained that cruisers are indeed purchased through the Capital Planning Budget; however, these monies will be used to purchase any and all extra equipment that is required. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 17. John Sousa, Cemetery Superintendent, moved that the Town vote to authorize the Cemetery Commission to grant a utility easement for the purpose of relocating a utility pole and related appurtenances to Cemetery property.

John Sousa Cemetery Superintendent explained that a utility pole's cable line located on Middlesex St had originally been attached to a tree. The tree has to be removed. This will grant the utility company an easement in order to put a ground location on the Cemetery property. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 18. Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a vote by way of a show of hands**, motion carried**, **unanimously**. The Manager explained the article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.** The article reads as follows:

Selectman Michael F. McCall moved that the Town vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Meeting House Road
Justin Road

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and I moved that the Town vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and I moved that the Town vote to raise and appropriate $2 to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and I moved that the Town vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto.

UNDER ARTICLE 19. Selectman Michael F. McCall moved that the Town vote to amend the action of Article 11 of the October 19, 1998 Annual Town Meeting and Article 10 of the October 21, 2002 Annual Town Meeting accepting the provisions of G. L. c. 166, s. 22E relative to the removal and replacement of facilities by the Town under a cooperative agreement with the utility companies to facilitate the depression of overhead utilities in the Chelmsford Center area, by extending the limits of said area, as shown on a set of plans on file in the office of the Community Development Coordinator and incorporated herein by reference.

The Manager explained that putting the utility cables underground had been approved quite a few years ago. It is to be done jointly with the Central Sq traffic project which will begin in a few weeks. There is a trailer located at the back of the Town Office Building for the personnel involved with the project. Questions were asked concerning the cost. The Manager said that the utility project will be funded by the small surcharge that is added to the

resident's utility bills. The area in question already has been extended at a previous meeting from the original plan. Peggy Dunn wanted to know if the Historic District was part of the new extended area. No it was not. Mary Tiano wanted to know why the Finance Committee didn't have a recommendation on the article. Samuel Chase explained that no information had been provided to the Committee. He said that the Finance Committee did not recommend the article. The Board of Selectmen approved the article. A number of Representatives spoke against the article. George Ripsom felt that the project would be never-ending and couldn't see the benefits of it. Brian Latina felt that if the area had included the historic district like it does in Concord, Ma then it would make sense to do it. However, because it doesn't then he will not support the article. John Wilder did not support the article. Barry Balan spoke in favor. James Dolan moved the question to stop debate. The Moderator asked for a vote by way of a show of hands on the motion to stop debate. **Motion carried, unanimously**. The Moderator asked for a vote by way of a show of hands. **Motion defeated.**

UNDER ARTICLE 20. Dwight Hayward moved the reading of the article. The Moderator asked for a show of hands, **motion carried, unanimously**. Andrew Sheehan, Community Development Co-coordinator explained that this was a housekeeping article. An error in the floodplain district had been discovered. Three years ago Federal Emergency Management Association (FEMA) did a revision to the Chelmsford Floodplain section of the Rivermeadow Brook drainage area. This runs between the City of Lowell and Mill Road. The Engineering study of the watershed, determines what the 100 year flood evaluations are along Rivermeadow Brook. In June of 2002 a revised map and study was released by FEMA, with this particular area now having an elevation of 108 feet He showed a map with the area in question highlighted in yellow. This will delete the 1980 reference in the present flood map, and insert the wording from the June 2002 study. The effects of the study is that the elevation level increased by two feet. This was determined when the engineers associated with the Route 3 widening project surveyed the area where Route 3 crosses over Route 495. Basically, the floodplain area in question, on the Lowell side increased by two feet. Dennis Ready questioned what the impact will be on the residents regarding flood insurance. The area in question may affect homes in the area, some may require insurance. At this point the exact number can't be determined. Richard Johnson asked if this was a discretionary area or is the whole Town affected. Even though the study was only done in this area, the whole Town is affected. There are thirteen pages to the new map, which is more detailed on the areas that abut any floodplain district. It will be a lot easier for property owners to prove that they are not in the floodplain. Fran McDougall questioned if this is the new revision isn't it a moot point on whether or not insurance is needed. Andrew Sheehan explained that the 108 feet is going to be the new elevation number according to FEMA. However, the Town is required through the National Flood Insurance Program to adopt zoning provisions that reflect FEMA's study. If the Town does not stay current with the FEMA maps then anyone who is now paying for the insurance will no longer be eligible. Flood insurance is not like homeowners insurance, it can only be purchased through the federal agency. John Harrington questioned if the businesses located in Chelmsford Center would be affected, because beaver brook runs through it. Due to drainage work being done to the culvert the area will not be affected. John Emerson questioned if FEMA hasn't accepted the study yet, why the Town is doing so. He read a letter that was sent to the Sewer Commission regarding the level. The Town can accept the map prior to FEMA's acceptance.. FEMA is going to make this map

the official map within the very near future probably in September or October. By then it will be too late to submit an article for the October warrant. John Giorgio, Town Counsel said that there is a six month window for acceptance, and the Town could be at risk if it is not accepted. The Finance Committee recommended the article. The Board of Selectmen did not have a majority vote. The vote was two for and two against. Pamela Armstrong, Chairman of the Planning Board said that the Planning Board, was in favor of the article. Judith McInerney and Ruth Luna from Carter Dr whose homes are possibly in the floodplain asked for support of the article. Dennis Ready expressed concern with the lack of overheads showing the old floodplain vs the new floodplain. Fran McDougall of Dawn Dr who lives in the neighborhood said that the residents embrace the Rivermeadow Brook watershed area. It's one of the last areas left in Town. She requested that the Body accept this plan now because it will have to be accepted when the time comes. Joseph Holland of Carter Dr said this doesn't mean that everyone has to go out and buy flood insurance right away. It just means that it puts the Town in the six month window requirement for when FEMA adopts the plan. Dennis Sheehan spoke in favor of the article. Barry Balan moved the question to stop debate. The Moderator asked for a show of hands on the motion to stop debate, **motion carried, unanimously.** The Moderator asked for vote by way of a show of hands on the article. The Moderator **declared that the motion carried by recognizing the 2/3's vote rule.** The article reads as follows:

Andrew Sheehan Community Development Coordinator, moved that the Town vote to amend the Chelmsford Zoning Bylaw, Article XV, Floodplain District, as follows:

A. In section 195-77, by deleting the words "National Flood Insurance Program Flood Insurance Rate Map for the Town of Chelmsford prepared by the United States Department of Housing and Urban Development, Community Panel Number 250188 0005B-000515, dated June 4, 1980" wherever it appears, and inserting in its place "National Flood Insurance Program, FIRM Flood Insurance Rate Map, Town of Chelmsford, Massachusetts, Middlesex County, Community Number 250188, Panel Numbers 0001C through 0013C, dated June 4, 2002 as amended"
B. In Section 195-77, after the words conservation commission, insert"; or as determined by other empirical evidence.
C. In section 195-77, by deleting the words "Chelmsford Flood Insurance Study, dated December 1979" wherever it appears, and inserting in its place "Flood Insurance Study (FIS), dated June 4, 2002 as amended"
D. By deleting Section 195-78.A in its entirety and eliminating the subsection designation from 195-78B.
E. In section 195-81, by deleting the words "Chelmsford Floodplain and Floodway District Map or as determined by other empirical evidence" and inserting in its place "Flood Insurance Rate Map"

UNDER ARTICLE 21. The Moderator said that he had a sign motion from the proponent to withdraw the article at this time, so no action will take place. The article read as follows.

To see if the Town will vote to amend the Chelmsford Zoning Map by removing the following parcel of land from the Limited Industrial District and establishing the same as a Roadside Commercial District:

The land in Chelmsford, Middlesex County, Massachusetts situated on the Northerly side of Groton Road (Route 40) and being a portion Parcel A shown on the plan entitled "Plan of Land in Chelmsford & Westford Quarry, 275 Groton Road, North Chelmsford, MA 01863 by Land Tech Consultants, Inc., Scale: 1" = 200' dated October 3, 2002 and recorded with Middlesex North Registry of Deeds in Plan Book 205, Plan 53, said portion being bounded and described as follows:

Beginning at a point on the northeasterly side of U.S. Route 3; thence

S 31° 24' 38" E	a distance of twelve hundred feet (1200) to a point; thence
S 47° 20' 39" W	a distance of three hundred twenty five and seventy eight hundredths feet (325.78) to a point; thence
S 47° 43' 49" W	a distance of one hundred eighty eight and two hundredths feet (188.02); thence
S 10° 01' 19" E	a distance of one hundred forty one and eighty four hundredths feet (141.84); thence
S 47° 38' 20" W	a distance of three hundred twenty and eighty hundredths feet (320.80); thence
N 88° 01' 01" W	the distance to the town line between Westford and Chelmsford a distance of approximately twenty five (25.00) feet; thence

Running northeasterly along the town line between Westford and Chelmsford a distance of approximately one thousand nine hundred and fifty feet (1,950.00) to a point; thence

N 56° 54' 08" E	the distance from the town line between Westford and Chelmsford a distance of approximately two hundred and thirty seven feet (237.00) to the point of beginning on the northeasterly side of U.S. Route 3, or act in relation thereto.

UNDER ARTICLE 22. The Moderator said that he had a specific request to withdraw the article. The Moderator asked for a show of hands, **motion carried, unanimously. (for wording see the original warrant)**

UNDER ARTICLE 23. Andrew Sheehan Community Development Coordinator moved that the Town vote to authorize the Board of Selectmen, subject to the requirements of General Laws Chapter 30B, sec. 16, to convey a parcel of land located at 19 Maple Road, consisting of 57,421 square feet more or less, including the building thereon, such land is more particularly shown on a plan entitled: "Plan of land in Chelmsford, MA prepared for the

Town of Chelmsford, 50 Billerica Road, Chelmsford, MA," dated October 8, 2002, prepared by P. M. Flaherty Associates, Inc, on file in the Town Clerk's office..

Andrew Sheehan explained the article. Last year the town came to Town Meeting with the request to pursue the opportunity to purchase the Red Wing Farm. It had a house with an attached barn and 14 acres of land. If the offer was accepted then at a future date the Town would come back to Town Meeting submitting a plan that would subdivide the property into two parcels. One parcel will have the house and this is to be sold. The other parcel would be kept as open space. The sale of the house will be determined through the bid process. The price would be based on the Town's cost of acquiring the property. There are a few interested parties inquiring about the process. Thomas Newcomb questioned if there would be any historical restrictions on the house and property. The Town is in the process of drawing up the authorization. It will be in place by the time the conveyance of the property takes place. The intent is to keep the present house. The house must be restored and not torn down. Thomas Newcomb expressed concern that the Selectmen could sell this property without any restrictions because it is not mentioned in the article. Andrew Sheehan said that the Selectmen are aware that restrictions must be in place prior to any sale taking place. Paula Fretwell questioned where the money had come from to purchase the property. Andrew Sheehan explained that it was part of the Route 3 North Litigation Fund $4 million dollar fund, set up by the State Legislation. Communities that are directly affected by the widening project could apply for grants from this fund and to use the money for open space. Modern Continental put money into the fund and the Commonwealth in turn sent out the grant checks to be used to purchase open space. Dennis Ready questioned the plan showing the proposed new property lines after the subdivision is completed. Andrew Sheehan explained that the zoning by-laws require a 150 foot frontage and this would make both lots conform to the zoning by-law. This would make it easier for the Planning Board's required endorsement. The Town can not build on the lot as part of the stipulations of the grant money. George Zaharolis questioned if there would be a minimum bid for the parcel with the house and barn. Andrew Sheehan said that it probably would start at $160,000. Then shouldn't this figure be mentioned in the article? John Giorgio Town Counsel explained that it makes the transaction go smoother if there are no restrictions of price in the article. When it comes time to go out for the bid the actual minimum amount will be established The Finance Committee supported the article. The Board of Selectmen supported the article. Jeffrey Stallard of the Historical Commission said that the condition of the buildings will require a lot of money to restore it. He asked that the Body support the article. The Moderator asked for a vote by way of a show of hands. The Moderator **declared that the motion carried, by recognizing the 2/3's vote by-law.**

Selectman McCall moved that the Body extend the 11:00 PM adjournment time. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously.** The meeting continued.

UNDER ARTICLE 24. Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a vote by way of a show of hands, motion carried, unanimously. Robert Morse Chairman of the CPA Committee explained that the board consists of nine members. Chelmsford Preservation surcharge is ½%. It averages out to be less than $10.00 per year per tax bill. The State provides matching funds. For FY 2002 the State matched $150,000. He listed the projects that this money had been applied to. The

preservation of Riverside Cemetery. The surveying of the Middlesex Canal. A parking area was created at the Lime Quarry on Littleton Rd. The funding of six elderly units at the Housing Authority's Smith Street location. And the buy down program at the Courtyard Commons facility on Littleton Rd. He asked that the Body support the article. The Finance Committee recommended the article. The Board of Selectmen supported the article. The Moderator asked if there any questions. Hearing none he asked if there was any need for debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.** The article reads as follows:

Selectman Michael F. McCall moved that the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2004 Community Preservation budget and to appropriate from the Community Preservation Fund:

$5,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2004;

$25,000 for the creation of a parking area for and improvements to the Conservation Commission's Red Wing Farm, open space as defined in the Community Preservation Act

and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee:

$5,000 for the acquisition, creation and preservation of open space excluding land for recreational use

$30,000 for acquisition and preservation of historic resources; and

$30,000 for the creation, preservation and support of community housing.

All other monies in the Community Preservation Fund shall remain undesignated until further recommendation by the Community Preservation Committee and action thereon by the Town Meeting.

The Moderator declared the meeting adjourned sine die. The meeting adjourned at 11:20 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

WARRANT FOR ANNUAL
TOWN MEETING OCTOBER 20, 2003

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the twentieth of October, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to appropriate from Free Cash a certain sum of money to the Stabilization Fund; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Town Manager

ARTICLE 3. To see if the Town will vote to appropriate from available funds a certain sum of money to the School Department, said funding coming from Medicaid reimbursements; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Committee

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 5. To see if the Town will vote to transfer from the Stabilization Fund $400,000 to be used to balance the Fiscal Year 2004 Budget as a result of reductions in local aid from the Commonwealth of Massachusetts; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 6. To see if the Town will vote to transfer a certain sum of money from Special Revenue to the School Department, said funding coming from E-Rate reimbursements; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Committee

ARTICLE 7. To see if the Town will vote to amend the Fiscal Year 2004 operating budget under Article 12 of the Annual Town Meeting held on April 28, 2003 as follows:

Increase Line Item # 4 Nashoba Technical H.S. by $150,014 to $1,000,014
Decrease Line Item # 17 Principal by $36,000 to $6,166,494
Decrease Line Item # 18 Interest by $107,301 to $9,303,653;

and Increase Line Item #14 Library Personnel by $12,396 to $962,397 in order to maintain eligibility for Library Assistance from the Commonwealth of Massachusetts;

and that the Town transfer $357,512 from available funds to defray Town charges for the fiscal period July 1, 2003 to June 30, 2004; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 8. To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Chestnut Hill Area – Phase 4E Sewers" dated September, 2003, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and to see if the Town will vote to raise and appropriate, raise and appropriate from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking; and vote to authorize the Board of Selectmen and/or Sewer Commissioners to release any easement deemed no longer necessary for the constructing of the sewer system as shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts Livery Road/Chestnut Hill Area – Phase 4E Sewers" dated September 2002 and recorded in the Middlesex North District Registry of Deeds in Plan Book 211, Plan 80;or act in relation thereto.

SUBMITTEDBY: **Sewer Commission**

ARTICLE 9. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund for the replacement of the roof and reconstruction of the chimney of the North Town Hall in order to stabilize the structure for the purpose of historic preservation, historic preservation as defined in the Community Preservation Act.

All other monies in the Community Preservation Fund shall remain undesignated until further recommendation by the Community Peservation Committee and action thereon by the Town Meeting; or act in relation thereto.

SUBMITTED BY: **Community Preservation Fund Committee**

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a Special Act to read substantially as follows:

AN ACT RELATIVE TO CERTAIN SCHOOL CONSTRUCTION PROJECTS IN THE TOWN OF CHELMSFORD:

Notwithstanding the provisions of any general or special law to the contrary in order to implement its school building program, the Town of Chelmsford may, in addition to the prequalification requirements pursuant to section 44D of chapter 149 of the General Laws, establish and impose a requirement that only contractors and subcontractors with a worker's compensation experience modification factor, as promulgated by the workers compensation rating bureau, of 125% or less shall be eligible to submit a bid or offer; provided, however, that any contractor or subcontractor with a modification factor of up to 135% shall be eligible to submit a bid or offer, if that modification factor was caused by a single loss. The school building program of the Town of Chelmsford shall not be subject to the provisions of section 44F of chapter 149 of the General Laws. For the purposes of this act, the words "school building program" shall mean any design, renovation, expansion and equipping of schools within the Town of Chelmsford to accommodate students in grades five through grade twelve

The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general objectives of this petition; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on Horseshoe Road, shown as Lot 15 on Assessors's Map 46, Block 215 containing 1.1 acres more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 6040, Page 12; or act in relation thereto

SUBMITTED BY: **Board of Selectmen**

ARTICLE 12. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E1/2 for the Inspection Department for Fiscal Year 2004. The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to a certain sum during Fiscal Year 2004; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 13. To see if the Town will vote to appropriate a certain sum of money for designing and constructing sewers, pump stations, and force mains for Contract 02-2, Chestnut Hill Road Area-Lateral Sewer Project including related legal, and administrative, and other pertinent expenses and the acquisition by purchase, eminent domain, or otherwise of all necessary easements and rights in land; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow funds under Massachusetts General Laws, Chapter 44, Section 8(15); that the Sewer Commission is authorized to contract for and expend any federal, state or other aid available for the project, and is further authorized to execute all contracts deemed necessary and appropriate to complete the Town Sewering Project as set forth above; that betterments shall be assessed based on sewer construction in accordance with the applicable provisions of the Massachusetts General Laws; and that the Sewer Commission is authorized to take any other action necessary to carry out this project; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 29th day of September, 2003.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Michael F. McCall, Chairman

Philip M. Eliopoulos, Vice Chairman

Thomas E. Moran, Clerk

Stuart G. Weisfeldt

William F. Dalton

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 20, 2003:

Thursday, October 23, 2003 at 7:30 p.m.

Monday, October 27, 2003 at 7:30 p.m.

Thursday, October 30, 2003 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. October 3, 2003

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

FALL TOWN MEETING
OCTOBER 20, 2003

The Annual Town Meeting was called to order at 7:35 PM at the Senior Center. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were 142 Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. Girl Scout Troop 806 came forward and presented the colors, and asked that the body recite the Pledge of Allegiance. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting regarding amending motions and discussions. He then asked the Body to have a moment of silence for Jennifer Renna Ferreira, former Town Meeting Representative who had recently passed away.

Selectman Michael F. McCall moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously**. Selectman Michael F. McCall moved that the reading of the entire warrant be waived. **Motion carried, unanimously.**

UNDER ARTICLE 1. Selectman Michael F. McCall moved that the Town vote to hear reports of the Town Officers and Committees.

The Town Manager explained that basically there would be two reports presented. The first report is a response to the follow up to where the Town is in regards to the school project. Over the summer the Town Manager, School Superintendent, the Board of Selectmen and the School Committee met and came up with the framework of moving forward and developing a plan. Everyone acknowledges the school's needs due to building's conditions and for programs and the facilities need to offer programs. The main purpose is to offer an affordable strategy to the community and address the key needs. The Committee which consists of the Town Manager, School Superintendent, two members of the Board of Selectmen and two members of the School Committee, will offer an explanation of the steps taken to date, and the concept on funding which is affordable. Dr Richard Moser, Superintendent of Schools came forward and addressed the areas that have been covered and options that area being looked at.

Dr Moser said that the committee wants to do what is best for the children yet keeping in mind the concerns of the taxpayers. The committee has made significant progress. The goal is to have a plan in place by January or February. The committee has reviewed the capital projects of K-12 and educational space and program needs. It has set priorities for capital projects. It has started to address and explore funding options, set priorities for educational space program needs and explore alternate strategies to meet these needs. No decision has been made on any plan many options are being discussed and reviewed. There will be a point to have community input, and to narrow the options hopefully down to one plan. The committee is developing a short and long range set of decisions due to the lack of dependable funding from the State. Even though there is a wealth of architectural information from previous studies there will be a need to seek technical support. The plan will be brought back to both boards, the Finance Committee and hopefully receive support. The committee must balance the taxpayer concerns with facility needs, building infrastructure with educational environment. He went over the committee's current focuses at the schools. At the elementary level; the advantages and disadvantage of a kindergarten center. Using temporary classrooms, housing grades 1-5 in an existing building. At the McCarthy; restructure eleven

classrooms, improve the building infrastructure. At the Parker restructure eight classrooms and improve the buildings infrastructure. At the High School improve the building infrastructure, relocate the superintendent's office, restructure five classrooms, and searching the possibility of including a new auditorium and additional classrooms. He emphasized again there have has been no final decisions. There will be planned community input prior to any commitment and the plan will consider all the financial constraints.

The Town Manager presented the financial plans. There are limits on what the Town can afford to do. The failure of the two ballot questions clearly emphasized that the voters were not happy with the proposed projects or the uncertainty of reimbursement from the State. The funding has to be with what the people feel comfortable with. The Town can not depend on the State for reimbursement. The Town must pay for it itself. Right now, the residents of the Town are paying $1.27 per thousand, for the sewer project and mentioned how it will go down a small amount each year until the project is done. The idea is to fund the school facilities capital projects and improvements over a phase process for the next three to five years at the $1.27 level. By FY2010 the residents would actually see taxes overall for exempt projects continue to go down. The committee needs to determine the specific needs and use this concept. Taxpayers are currently spending and investing this amount of money with the sewer project. If they would invest the same amount into the new facilities project, this would allow the Town to address the needs of the schools without placing an additional burden on the taxpayers. He admitted that the residents would see taxes drop a little bit, each year the sewer project nears completion, but the needs of the schools would still have to be addressed. This is the concept that the committee is working around, it is built on the notion that the residents would support it and find continued affordability.

The Manager gave an overview of the Town's finances. He showed what the revenue figures were in April, July, and currently, and what the proposal is for the financial crunch that the Town is in. The fiscal condition remains strong in terms of reserves, collections and cash flow. Like all other cities and towns in Massachusetts there is an increase need for spending money and decrease in growth of revenues coming in. In April there was a budget deficit of $293,562 and he had told the Body then, it would be addressed in October. Unfortunately between April and July things got worse and not better. Taxes stayed basically where they were projected. State Aide went up a small amount due to the reimbursement for Charter School. There was an increase in receipts, and due to low interest rates debt service went down. Expenditures did go up, the Nashoba Tech assessment increased. The Library budget needed to be increased by $12,396 in order to meet the requirements for State Aide. There was an assessment figure on the cherry sheet for the Charter School and Snow and Ice shortfall which had to be addressed. By July there was a deficit of a little over 1.million dollars. By using stabilization money and the projected increase in local taxes, using available funds to pay the snow and ice amount, and the increase in miscellaneous receipts the deficit will be brought to a zero balance and a balanced budget. There is a negative free cash balance due to the way the State looked at some grant monies and borrowings from last year that were not allowed to be counted towards free cash. By working with the Assessors cases before the appellate tax board were reviewed, and money that was put aside for past abatements and exemptions, $600,000 was freed up, and used towards the snow and ice assessment and committed school department articles. This will allow the Town to move forward with the FY04 budget without making any cuts in spending for the various departments, and continue services. It allows the Town to focus on FY05.

UNDER ARTICLE 2. Selectman Michael F. McCall moved that the Town vote to appropriate from Free Cash a certain sum of money to the Stabilization Fund.

The Town Manager explained that this article was going to be withdrawn. Due to State Aid funding being drastically reduced, a decision was made to use the money to maintain the Town's services. Next year free cash will be stronger and the amount allotted will be doubled in order to get back on track with putting funds into this account. The Moderator asked for a show of hands on the motion to withdraw, **motion carried, unanimously.**

UNDER ARTICLE 3. Town Manager Bernard Lynch moved that the Town vote to appropriate $257,032 from Overlay Surplus to the School Department, said funding to represent Medicaid reimbursements received during FY03.

The Manager explained that this is a standard article. The School Department employs a vendor to track down the money. It has been the Town's tradition to turn over this money back to the School Department. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 4. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years.

The Manager explained that this article was not needed due to there not being any late bills. He moved to withdraw the article. The Moderator asked for a show of hands on the motion to withdraw, **motion carried, unanimously.**

UNDER ARTICLE 5. Town Manager Bernard Lynch moved that the Town vote to transfer from the Stabilization Fund $400,000 to be used to balance the Fiscal Year 2004 Budget as a result of reductions in local aid from the Commonwealth of Massachusetts.

The Manager explained that due to the reduction in State Aid, the Town had to draw monies from this account. He is comfortable with this article. Services are important and he didn't want to cut any when this money could be used. However, it is crucial that the Town get back on track on putting money aside. Mark Connors questioned how much was left in the account. There was a balance of $5.million dollars. At one point the balance was $8.million dollars compared to $330,000 in the early 90's. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 6. Town Manager Bernard Lynch moved that the Town vote to transfer $22,679. From special Revenue to the School Department, said funding coming from E-Rate reimbursements.

The Manager explained that this is money that the School Department tracks down. It will be used for technology services. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 7. The Manager explained these are the figures that need to be adjusted and had been addressed under his financial report at the beginning of the meeting. In April the Nashoba budget figure of $850,000 was voted. Now there is an increase of $50,000 due to the minimum contribution level of each Town being increased. In addition to that the NVTH School Committee assessed above the minimum which in Chelmsford's case was for another $100,000. Thus the $150,000 increase. The Town has no choice in the amount it pays. The State will just take the money from the Chapter 70 account if it is not paid. The interest rates went down that reflects the decrease in that figure. Under the Library if the Town does not meet the State requirements then the Town is not allowed to participate in the inter library loans. The State requires that the Library budget grows by a certain amount each year. This increase will go towards personnel. The overlay surplus is for the snow and ice account. John Wilder questioned the figures shown in interest. The total figure should be $3,137,159. The Manager said that John Wilder was right and will move to amend the figure by decreasing line item #18 by $107,301 to $3,107,159. Dean Carmeris questioned the NVTH High School budget. How can it be different from what the Town voted? The Manager said that Robert Joyce would explain the process. The Moderator requested that the Manager finish his presentation then a vote would be taken on the motion to amend then the floor will be opened to others for discussion. Kathy Duffet wanted to know what NVTH figure spent on each student. The Manager explained that he didn't have the figures but it's close to 100%. Mark Connors wanted an explanation of what is an overlay surplus. The Manager explained that non appropriate expenses like the snow and ice deficit, the Charter School account that must be covered, without a vote of appropriation from the Town Meeting. Overlay is the amount set aside for tax abatements and exemptions based on State standards adopted. Most of the money is for people who contest their value of their tax bills. Not necessarily taxpayers who are home owners, it is businesses that protest their bills. Their value is based on their income. Money is set aside to reduce the amount of money they must pay. If the money isn't used it cannot be rolled over to the next fiscal year, it must be voted out by the Board of Assessors. John Wilder wanted to know if it had ever been considered to reduce the $150,000 set aside for the Finance Committee. The Manager said that it had been. The amount use to be $400,000. However, with the Charter form of government that the Town has had since 1989, budget management changed. Having $150,000 set aside for emergency use is not unusual for an $80 million dollar budget. Reserved fund transfers are not done until June. The Moderator asked for the Finance Committee's recommendation. The Finance Committee and the Board of Selectmen both wanted to wait until the vote of the motion to amend the article was taken. The Finance Committee requested clarification on the Manager's figure. While this was being decided, the Moderator requested that Robert Joyce member of the NVTH come up and address any questions that the Body had. Robert Joyce said that he was only one of the Town's representatives to NVTH. There are four; Samuel Poulten, who is on active duty in Iraq, Ralph Huslander, and alternate Donald Ayer, who is filling in while Samuel Poulten is away. He explained that the representatives never voted for another budget figure despite what was reported in the press. The other Towns in the district approved the figures that were presented to them at their town meetings. According the law Chelmsford didn't have any choice and had to pay the assessed figure that was given to them. In the mean time the State changed its formula and all the Town's were affected. NVTH was ordered by the Department of Education to recalculate the formula. Dean Carmis questioned how the figure that was voted in April by the Body got changed. That figure was the minimum amount. NVTH did ask for additional monies and did not receive it. Mark Connors questioned if the amount shown now is the total figure. Yes it includes the Town's share of transportation cost, the minimum cost, capital budget, interest for the building project and $90,000 over the minimum. Donald Ayer explained that there were three sets of numbers in the air. The Governor's, the Legislator's and various others. Once the budget was settled six town's approved it

and Chelmsford didn't. As a school region Town has no choice, this is the budget that must be approved. He stated the Town's representatives will be fugal with the next budget that is brought before the body. He asked for support of the article. The Moderator asked for vote on the motion to amend the Managers figure to read; Decrease Line Item # 18 Interest by $71,301 to $3,137,159. The **motion carried, unanimously** to amend. The Manager apologized for the confusion. The Moderator then asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands, **motion carried, unanimously**. The article reads as follows:

Town Manager Bernard Lynch moved that the Town vote to amend the Fiscal Year 2004 operating budget under article 12 of the Annual Town Meeting held on April 28, 2003 as follows:

Increase Line Item # 4 Nashoba Technical H.S. by $150,014 to $1,000,014
Decrease Line Item # 17 Principal by $36,000 to $6,166,494
Decrease Line Item # 18 Interest by $71,301 to $3,137,159;

and Increase Line Item #14 Library Personnel by $12,396 to $962,397 in order to maintain eligibility for Library Assistance from the Commonwealth of Massachusetts;

and that the Town transfer $357,512 from Overlay Surplus to defray Town charges for the fiscal period July 1, 2003 to June 30, 2004.

UNDER ARTICLE 8. Sewer Commissioner John P. Emerson Jr moved that the Town vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Chestnut Hill Area – Phase 4E Sewers" dated September, 2003, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto.

Chairman of the Sewer Commission John Emerson explained that this is to allow the commission to construct sewer lines for the Chestnut Hill area. It is a standard article. The Moderator then asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 9. . Selectman Michael F. McCall moved that the Town vote to appropriate $50,000 from the Community Preservation Fund for the replacement of the roof and reconstruction of the chimney of the North Town Hall in order to stabilize the structure for the purpose of historic preservation, defined in the Community Preservation Act.

All other monies in the Community Preservation Fund shall remain undesignated until further recommendation by the Community Preservation Committee and action thereon by the Town Meeting.

Robert Morse of the Preservation Committee came forward and also introduced Linda Prescott of the Historic Commission. He explained that this money is to be used to replace the roof and button up the building and get it ready to restore it in the future. He read the history of the building. It is the corner stone of the largest collection of mill related buildings in the Commonwealth. It is on the State's register of historic places. It was the first municipal built in Town dedicated for civic purposes. It hosted most of the Town's public gatherings. There will eventually be a comprehensive plan for renovation of the building in order to prevent further destruction. The roof replacement is vital in order to avoid future costs. The windows need to be covered with Plexiglas to prevent further water damage and small animals from entering the building. The warrant article mentions replacement of the chimney this is not going to happen. The Preservation Committee felt it would be better to address this issue when the overall restoration plan is in place and that is when the chimney should be replaced. Mark Connors questioned if the roof is being restored as required for historic purposes. A slate look shingle or material will be used. Eventually the actual slate roof will be considered when the comprehensive plan is in place. The roof now will just be covered to prevent further damage to the structure. The Town Manager explained that this Body placed an historic preservation restriction on the exterior of the building. So the exterior will always be maintained in accordance with the Secretary of Interior standards for historic preservation. The roof, windows etc must meet these standards. John Wilder questioned what the long-range plan was for this building. The Manager said that the bottom floor may be used for municipal purposes and the second floor restored for a gathering space. It may be rented out until the Town needs the space for its own use, or sold to a non-profit organization. Regardless of what becomes of it due to the preservation restriction it is the Town's responsibility to maintain the exterior. Tony Volpe questioned the timeline. The Manager said within the next 12-24 months once the Facility Needs Committees finishes it's assessment of the Town's buildings. Bernard Ready questioned the restriction clause on the building. The Moderator asked for the Finance Committees recommendation. The Finance Committee supported the article. The Board of Selectmen were in favor of the article. Jeffrey Stallard stressed that this is an important article for the community asked for support of the article. Peggy Dunn asked for support. John Emerson moved the question. The Moderator asked for a vote on the motion to stop debate. **Motion carried, unanimously.** He then asked for a vote on the article. **Motion carried**.

UNDER ARTICLE 10. Dwight Hayward moved to waive the reading of the article. The Moderator asked for a vote by way of a show of hands, **motion carried unanimously**.
The Manager explained the article. It would exempt the School project from the File sub bid law. This adds to the cost of a project. This would add Chelmsford to the Legislator's list on Town's eligible for this exemption. It was voted on at last year's town meeting, but never submitted. The Legislators require only recent votes before any consideration can be made that is why it is before the Body again. Dennis Ready moved that the last sentence be amended to read preschool. David McLachlan asked if the State Representatives were in favor of this. The Manager said that those that he spoke with approved of the petition. The Moderator asked for the Finance Committees recommendation. The Finance Committee supported the article. The Board of Selectmen were in favor of the article. The Moderator asked for a vote on the motion to amend by Dennis Ready that the last sentence read preschool instead of kindergarten. **Motion carried, unanimously**. John Wilder spoke in favor of the article and asked that the Manager and the Board of Selectmen to

contact the four State Repetitive and State Senator to amend the laws to amend the Massachusetts laws to avoid this sub bid process. Michael McCall, Chairman of the Board of Selectmen, said that the Board is in the process of doing just that. The Moderator asked if there was a need for further debate, hearing none, he asked for a vote on the article by a show of hands. **Motion carried, unanimously.** The article reads as follows:

Selectman Michael F. McCall moved I move that the Town vote to authorize the Board of Selectmen to petition the General Court for a Special Act to read substantially as follows:

AN ACT RELATIVE TO CERTAIN SCHOOL CONSTRUCTION PROJECTS IN THE TOWN OF CHELMSFORD:

Notwithstanding the provisions of any general or special law to the contrary in order to implement its school building program, the Town of Chelmsford may, in addition to the prequalification requirements pursuant to section 44D of chapter 149 of the General Laws, establish and impose a requirement that only contractors and subcontractors with a worker's compensation experience modification factor, as promulgated by the workers compensation rating bureau, of 125% or less shall be eligible to submit a bid or offer; provided, however, that any contractor or subcontractor with a modification factor of up to 135% shall be eligible to submit a bid or offer, if that modification factor was caused by a single loss. The school building program of the Town of Chelmsford shall not be subject to the provisions of section 44F of chapter 149 of the General Laws. For the purposes of this act, the words "school building program" shall mean any design, renovation, expansion and equipping of schools within the Town of Chelmsford to accommodate students in grades preschool through grade twelve

The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general objectives of this petition.

UNDER ARTICLE 11. Selectman Michael F. McCall moved that the Town vote to authorize the Board of Selectmen to convey in accordance with Massachusetts General Law Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on Horseshoe Road, shown as Lot 15 on Assessor's Map 46, Block 215 containing 1.1 acres more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 6040, Page 12.

The Manager explained that the owners of land that abut the actual thirty foot easement had put in a swimming pool that extends over the easement. This is a 500 sq foot transfer of an easement. They require an additional foot in order to put on an addition. The owners of the property will absorb any and all costs involved. Thomas Fall questioned what is the easement for. It is a drainage easement. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 12. Town Manager Bernard Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E1/2 for the Inspection Department for Fiscal Year 2004. The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to a $7,000 during Fiscal Year 2004.

The Manager explained that this revolving fund is a State law that the Town must adopt each year. The position checks and makes sure that the weights and gallon measurements throughout the Town are accurate. The Community is responsible for this not the State. If this is not checked then the Town is fined by the State and then the State will charge the Town for the service. Up until 1989 there was an individual who performed this function. The action was then assigned the Building Department where the Assistant Building Inspector use to perform this function. In June he retired and the Town does not have anyone who is certified to perform the function. This account will allow payment to an individual. The Town is looking into joining in with other Towns who may hire a person to do the function. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 13. Dwight Hayward moved to waive the reading of the article. The Moderator asked for a vote by way of a show of hands, **motion carried unanimously**. The Manager explained the article. This would allow the Town to utilize money that is exempt from the limits of proposition 2 ½. The betterment account. The betterment money would be used to complete the sewer program and avoid a Town wide exempt vote. Currently this money is used to reduce the cost of the sewer project. There is $6.3 million dollars in betterment fees and another $20 to $25 million projected. Starting in 1986 the betterment fee was $1,200. Currently it is $3,500. When each project is proposed the range is up to $7,500 but the cost has been kept down. These betterments are established on a per contract basis. The Commission is asking for $5,000,000 in order to fund the Chestnut Hill Road area. Next year they will come back requesting an amount for another contract. The goal is to finish the project with out further appropriations pay for it with betterments and future betterments. This would allow the Town to focus on other proposed projects. John Wilder asked if this amount was going to be borrowed. Yes, but it would be paid through the betterments not through tax money. Dean Carmaris asked how much of a percentage of the Town is left to be done. Fifteen percent is left. This project represents 2-3 percent. The entire project should be completed between 2007 and 2009. Dennis Sheehan questioned what the betterment would be for the East Chelmsford area, where it is the last area to be done. John Emerson said that he couldn't say at this time, it depends on the funding that is available, it won't exceed $7,000. George Merrill wanted to know what is the total cost to finish the project. John Emerson said according to the consultants estimate $20 million dollars. $109 million has already been spent. Paul Gleason asked what the betterment fee for this project would be. John Emerson said due to SRF funding it appears that the cost will be $3,500. George Merrill questioned the $20 million figure. He said that he had a figure from the Town of Chelmsford of $30-$35 million. John Emerson said that his consultants say the figure is $20 million, he does not know where the figure that Mr Merill had came from. The Moderator asked for the Finance Committees recommendation. The Finance Committee supported the article. The Board of Selectmen were in favor of the article. Dennis Ready said that when the sewer project was formed this was the purpose of establishing the betterment fees. It was to be used

if need be for the construction of the project. So many times Towns run out of money and their projects are put on hold. By using the betterment fees this avoids this from happening. Carol Cleven commended the advance planning that the Sewer Commission and the Town did when it came to seeking funds from the State. Richard Day asked if there were any Towns in the area who had stopped their projects due to lack of funds and were now back on track. John Emerson said that the Town of Tewksbury had just appropriated $96 million dollars last year to finish their project and only half of the Town is done. They had had a 90% guarantee funding, so it has triple in cost. The Town of Gloucester is paying $25,000 and Tyngsboro $15,000 per household. Chelmsford has learned that it is not worth stopping the project because the costs will just double or triple. Richard Day said that the areas left have paid through the years and it's only right that their sections be completed, and asked for support. Bill Martin said that the Sewer Commission is doing a great job and the Representatives should support the article. John Wilder asked how future treatment plants will be paid for. Through betterment fees. The Moderator asked if there was any need to hear debate. Hearing none he asked for a show of hands. The Moderator declared that the **motion carried, by recognizing the 2/3's vote by-law.** The article reads as follows:

Sewer Commissioner John P. Emerson Jr moved that the Town vote to appropriate $5,000,000 for designing and constructing sewers, pump stations, and force mains for Contract 02-2, Chestnut Hill Road Area-Lateral Sewer Project including related legal, and administrative, and other pertinent expenses and the acquisition by purchase, eminent domain, or otherwise of all necessary easements and rights in land; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow funds under Massachusetts General Laws, Chapter 44, Section 8(15); that the Sewer Commission is authorized to contract for and expend any federal, state or other aid available for the project, and is further authorized to execute all contracts deemed necessary and appropriate to complete the Town Sewer Project as set forth above; that betterments shall be assessed by the uniform unit method that 100 percent of the project costs shall be paid through funds transferred from the Sewer Betterment Special Revenue Account; and that the Sewer Commission is authorized to take any other action necessary to carry out this project.

The Moderator made a few announcements concerning the times for Halloween. The next Town Meeting would be April 26, 2004 and Town nomination papers would be available beginning January 5, 2004. Seeing that there was no further business on hand, he moved that the meeting adjourn. Motion carried, unanimously. The meeting adjourned at 10:20 PM

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

WARRANT FOR SPECIAL
TOWN MEETING FEBRUARY 23, 2004

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the twenty-third of February, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to raise and appropriate or borrow a certain sum of money for the Secondary School Building Project which shall include the design and construction of a renovation and expansion of the Chelmsford High School, the design and construction of a renovation and expansion of the McCarthy Middle School, and the design and construction of a renovation and expansion of the Parker Middle School, said project shall include all costs incidental and related thereto, provided that such appropriation shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
School Committee

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 3rd day of February, 2004.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Michael F. McCall, Chairman

Philip M. Eliopoulos, Vice Chairman

Thomas E. Moran, Clerk

Stuart G. Weisfeldt

William F. Dalton

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following date and time for continued sessions of the Town Meeting of February 23, 2004:

Thursday, February 26, 2004 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Feb 3, 2004

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

SPECIAL TOWN MEETING
February 23, 2004

The Special Town Meeting was called to order at 7:35 PM at the Senior Center on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. There were **152** Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions.

Selectman Michael F. McCall moved that the reading of the Constable's return of the Town Meeting warrant be waived. Motion carried, unanimously. Selectman Michael F. McCall moved that the reading of the entire warrant be waived. Motion carried, unanimously.

Under Article 1 The Town Manager Bernard Lynch came forward and gave the history of the article. This project has been before the Town Meeting Representatives and voters two different times with different money figures and different plans. Each time it was unsuccessful at the ballot box. This is not a new concept to do something to School Facilities. It started at least ten to twelve years ago, beginning in 1993 with the Center School project. Now the issues from the elementary schools have moved up into the High School. The problems of the schools facilities are not going to go away. In August of 2003, the Town Manager, Superintendent of Schools Richard Moser and School Committee members Evelyn Thoren, and Thomas Mills and two members of the Board of Selectmen, Philip Eliopoulos, and Thomas Moran came together as a working group to bring forth the article which is to be acted upon tonight. If passed, the next step is to put a ballot question on the April 6th Town Election ballot. The group prepared a comprehensive plan of the secondary school facilities. Which is: The need to repair buildings. Address the space needs, and the educational program deficiencies. Most of all to achieve this plan at a reasonable cost by coming up with a financial strategy. The maintenance issues were discussed and must be made affordable, because without the support of the people nothing will get done. The Committee started in August of 2003 and have been working up until last week. The Committee met with principals of all the schools and an architect. The Committee met with the School Superintendent, the Business Manager, the Finance Director, and the DPW Director. The conclusion is the maintenance situation is ongoing. There will be the need to coordinate the staff and a formal change is being considered. There is no need to go to the voters for the work at the elementary schools. This will be accomplished within the capital planning budget. Regarding the secondary schools the Committee addressed the greatest and most immediate needs. Which are: The size and scope of the plan, the cost, the timeline of the work and the impact this will have on the future elementary schools projects. The Manager listed the options of the Committee; one was a $45 million dollar plan in repairs alone. They then prepared a revised plan of $31 million which addressed the immediate needs. Dr Richard Moser then came forward and presented the details of the project.

He said that the Committee had worked well together and is trying to do the right thing for the "kids" by coming up with the best package. The project will address the

infrastructure of the three schools. He then cited the critical components of the project for each school.

Parker: No new construction is needed their biggest problem is space. The project will expand and renovate the existing library. Enclose the courtyard walkway, purchase four additional temporary classrooms. Also, to expand the students bathrooms, and make site improvements.

McCarthy: Relocate and expand a new library. Relocate the computer labs to the new library. Relocate the band room to the girl's locker room. Relocate the girl's locker room. Create an access corridor to the Arts wing. Expand the size of the art room.

CHS: Renovate and expand the Science Wing. Relocate Science computer lab. Construct a new auditorium. And expand parking and construct a second access road.

Dr Moser said that the Administration and support staff currently at the High School would be moved to the existing Town Office Building. He then went over the features of the new auditorium. This would be a basic auditorium, not a performing arts center. The purpose was to have seating for 1000, which would enable two classes to be able to assemble together from time to time. It would have a stage, dressing/green room., a scene shop and scene storage area, box office, coat check room a/v lighting closets, and toilets. Not included are performing art and fine art classrooms, a TV studio and black box. He showed how the auditorium when originally proposed was 35,516 sq ft then went to 31,796 sq ft then 28,076 sq ft to the current proposal of 24,876 sq ft. He felt that the entire project was a good proposal and hoped that the Town would accept it.

The Town Manager then addressed the body again regarding the financial aspect of the project. The objective was to keep the cost reasonable. Assume only certainties. By this he meant that the Town would do the project on it's own without depending on State aide. This was a major problem with the last proposal. The uncertainty of how much if any the Town would receive in State aide towards the $87 million dollar project. When would the Town receive the money? Some Towns received approval for their projects went ahead and built them, however, they must now wait in some cases up to fifteen years for any reimbursement. The Committee wanted to make sure that this project didn't affect the progress on any existing projects, namely the ongoing sewer project. The goal most importantly is to minimize the impact on the taxpayers by working within the existing tax level. He was adamant in saying that the sewer project will not go on hold as reported in the press. The school project will not affect the sewer project. He explained that it will cost the taxpayers money, however it will be financed over time and the dollar impact figures for the sewer project will be used for the school project. If the project doesn't pass taxes will start to go down in FY/06. The Town is paying now by investing in the sewer project. Thus it would keep paying the same only instead invest in facilities that clearly need fixing up. The Manager praised the Committee for the work that had been done on bringing forth this plan to the voters and asked that it be supported.

The Moderator asked if there was any need for questions? Thomas Newcomb wanted to know if the maintenance issues at the McCarthy could have been addressed as

regular maintenance issues vs going thru capital planning. This seems to have been one of the biggest complaints from the voters. The Manager explained that the McCarthy School was in an uncertain situation of waiting to see if items such as windows and the roof could have been addressed as a part of larger scale project rather than an individual school budget project. After working with the school officials the last couple of months he was impressed with the developing capital maintenance plan being set forth every five years for the schools. Christopher Garraghan asked what the yearly cost to the taxpayer would be? The Manager said $180.00 John Wilder questioned the debt service. Karen DeDonato wanted to know what the future was for the elementary schools, are there any plans in place to improve these facilities. The Manager explained that unlike other Town facilities, like the library and police station which are built to last decades before needing to be re-addressed. Schools are continuously being addressed due to enrollment changes or educational need changes, etc. This is definitely not the final plan. Down the road other issues with the secondary schools and elementary schools will be re-addressed. Susan Groves questioned if any future additions could be added to improve these buildings. Yes they could. Peggy Dunn questioned the need for a library after having built the new one in Chelmsford Center. Dr Moser said that there is still a need for a library in the schools. Students need to have access to certain books. The McCarthy library has never been a working acceptable library. Even when it was originally constructed as a High School the library has never been adequate. The Moderator asked for the Finance Committee recommendations. The Finance Committee recommended approval of the article. The Board of Selectmen recommended the article. Christopher Garraghan spoke in favor of the article. He felt that it was well worth the money being asked and urged the Body and Town to support this article. The Moderator asked if there was any need to hear further debate, hearing none, he asked for a vote by way of a show of hands. A 2/3's vote is required and the Moderator **recognized the 2/3's vote by-law and declared that the motion carried**. The article reads as follows:

Selectman Michael F. McCall moved that $31,000,000 be appropriated for the design and construction of a renovation and expansion of the Chelmsford High School, the design and construction of a renovation and expansion of the McCarthy Middle School, and the design and construction of a renovation and expansion of the Parker Middle School; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow $31,000,000 under Chapter 44 of the General Laws or Chapter 70B of the General Laws or any other enabling authority; and that the Town Manager be authorized to take any other action necessary to carry out this project; provided, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c59 §21C (Proposition 2 1/2) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

The Moderator announced that the Presidential Primary is Tuesday March 2nd, the Town Election is Tuesday April 6th and the Annual Town Meeting will be held on April 26th. Seeing that there was no further business on hand, he declared the meeting adjourned. The meeting adjourned at 8:35 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin, Secretary of the Commonwealth

WARRANT FOR PRESIDENTIAL PRIMARY

SS. MIDDLESEX

To either of the Constables of the Town of Chelmsford

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Primaries to vote at:

Precinct 1	Town Office Building Gym, 50 Billerica Road
Precinct 2	Harrington School Gym, 120 Richardson Road
Precinct 3	Harrington School Gym, 120 Richardson Road
Precinct 4	Westlands School Café, 170 Dalton Road
Precinct 5	Byam School Café, 25 Maple Road
Precinct 6	Westlands School Café, 170 Dalton Road
Precinct 7	McCarthy Middle School Little Gym, 250 North Road
Precinct 8	McCarthy Middle School Little Gym, 250 North Road
Precinct 9	Town Office Building Gym, 50 Billerica Road

On **TUESDAY, THE SECOND DAY OF MARCH, 2004,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE ..... FOR THIS COMMONWEALTH
STATE COMMITTEE MAN.....THIRD MIDDLESEX SENATORIAL DISTRICT
STATE COMMITTEE WOMAN.....THIRD MIDDLESEX SENATORIAL DISTRICT
DEMOCRATIC TOWN COMMITTEE..... CHELMSFORD
LIBERTARIAN TOWN COMMITTEE..... CHELMSFORD
GREEN-RAINBOW TOWN COMMITTEE..... CHELMSFORD
REPUBLICAN TOWN COMMITTEE ..... CHELMSFORD

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting. Given under our hands this 3rd day of February 2004.

Selectmen of Chelmsford

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

Feb 3. 2004
Date

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

Town of Chelmsford
Democratic Primary March 2, 2004

PRESIDENTIAL PREFERENCE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	3	3	3	5	3	2	0	0	1	**20**
RICHARD GEPHARDT	0	0	0	0	2	1	1	0	1	**5**
JOSEPH LIEBERMAN	3	2	7	4	7	7	3	3	2	**38**
WESLEY K CLARK	0	2	2	2	1	6	2	2	5	**22**
HOWARD DEAN	18	9	7	6	12	12	21	10	16	**111**
CAROL MOSELEY BRAUN	0	1	1	0	1	2	1	1	0	**7**
JOHN EDWARDS	105	89	108	73	107	130	147	117	93	**969**
DENNIS J KUCINICH	9	10	7	10	14	14	8	6	22	**100**
JOHN F KERRY	249	186	253	225	259	355	288	291	240	**2,346**
LYNDON H LaROUCHE JR	0	1	1	0	1	0	2	2	0	**7**
AL SHARPTON	1	2	3	2	1	3	2	1	1	**16**
NO PREFERENCE	3	0	1	1	2	2	1	4	1	**15**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	1	0	0	2	0	1	0	0	1	**5**
TOTAL	**392**	**305**	**393**	**330**	**410**	**535**	**476**	**437**	**383**	**3,661**

STATE COMMITTEE MAN	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	139	108	147	95	157	159	167	154	143	**1,269**
RONALD M CORDES	169	120	160	170	174	223	196	171	184	**1,567**
THOMAS HOLDEN	82	77	85	65	79	150	113	112	53	**816**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	2	0	1	0	0	3	0	0	3	**9**
TOTAL	**392**	**305**	**393**	**330**	**410**	**535**	**476**	**437**	**383**	**3,661**

Democratic Primary March 2, 2004

STATE COMMITTEE WOMAN	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	139	105	142	101	156	174	163	145	145	**1,270**
JANET M BEYER	165	141	175	177	166	247	233	203	170	**1,677**
S CANNON HOLDEN	86	59	75	52	88	114	80	89	68	**711**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	2	0	1	0	0	0	0	0	0	**3**
TOTAL	**392**	**305**	**393**	**330**	**410**	**535**	**476**	**437**	**383**	**3,661**

TOWN COMMITTEE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	7,560	6,216	7,717	5,809	8,548	10,314	8,996	8,778	7,126	**71,064**
JOHN EMERSON	206	157	229	187	189	274	266	217	196	**1,921**
SAMUEL POULTEN	192	134	183	171	166	259	232	206	198	**1,741**
DENNIS READY	211	141	203	188	214	281	291	223	207	**1,959**
ALEXANDER GERVAIS	168	124	164	157	156	225	212	191	166	**1,563**
DOROTHY AYER	168	119	157	164	162	248	204	177	168	**1,567**
WILLIAM DALTON	211	168	216	191	206	295	254	231	193	**1,965**
ARTHUR CARMEN	160	109	152	148	153	219	196	163	184	**1,484**
DONALD AYER	171	124	153	153	154	238	199	167	167	**1,526**
SCOTT JOHNSON	177	124	170	177	166	234	215	185	189	**1,637**
LINDA DALTON	192	145	187	170	173	246	216	197	179	**1,705**
ADRIENNE JEROME	164	119	174	151	157	225	203	169	170	**1,532**
ANGELO TARANTO	190	149	204	191	198	289	263	224	211	**1,919**
DONNA READY	200	132	180	176	204	254	264	212	202	**1,824**
THOMAS MORAN	184	126	189	166	175	247	215	186	175	**1,663**
GEORGE DIXON	170	127	189	155	154	229	214	180	163	**1,581**
MARIANNE PARESKY	166	125	170	163	163	248	216	191	181	**1,623**
BILLY MARTIN	170	122	164	176	165	223	214	182	186	**1,602**
GAIL POULTEN	185	128	165	158	165	237	222	197	183	**1,640**
WILLIAM NOLAN	165	118	181	155	157	218	199	170	164	**1,527**
LORETTA GELENIAN	163	133	156	155	153	223	200	172	162	**1,517**
GRACE DUNN	174	137	172	172	163	250	222	188	183	**1,661**

Democratic Primary March 2, 2004

TOWN COMMITTEE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
KELLIE DUNN	165	119	160	161	152	232	206	176	172	**1,543**
IRENE CETARUK	161	118	171	156	151	223	206	170	164	**1,520**
THOMAS NEWCOMB	186	124	168	165	177	239	233	182	217	**1,691**
JOEL KARP	162	111	149	157	148	213	195	166	162	**1,463**
JUDITH OLSSON	180	134	176	163	174	276	232	185	186	**1,706**
JAMES HARRINGTON	187	128	177	167	171	240	221	183	178	**1,652**
BENARI POULTEN	167	118	160	157	148	225	205	181	178	**1,539**
STRATOS DUKAKIS	175	127	166	162	171	233	241	183	177	**1,635**
MARY HADLEY	173	129	172	162	163	251	205	187	172	**1,614**
DALE E STREIN	156	110	146	147	144	226	192	159	165	**1,445**
ANN CHICKLIS	170	124	172	162	159	222	214	191	175	**1,589**
GEORDARNA POULTEN	168	121	160	154	147	219	198	177	178	**1,522**
DALE F STREIN	158	114	149	148	148	231	193	165	162	**1,468**
HENRI DUFOUR	165	121	154	156	156	219	206	184	166	**1,527**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**13,720**	**10,675**	**13,755**	**11,550**	**14,350**	**18,725**	**16,660**	**15,295**	**13,405**	**128,135**

Republican Primary March 2, 2004

PRESIDENTIAL PREFERENCE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	8	0	0	3	0	3	0	**14**
GEORGE W BUSH	55	33	57	31	46	73	47	65	46	**453**
NO PREFERENCE	1	1	6	2	9	2	6	5	10	**42**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	1	0	2	1	2	1	2	1	1	**11**
TOTAL	**57**	**34**	**73**	**34**	**57**	**79**	**55**	**74**	**57**	**520**

STATE COMMITTEE MAN	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	10	3	12	8	6	20	3	18	8	**88**
PETER DULCHINOS	47	31	60	26	50	59	52	56	49	**430**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	1	0	1	0	0	0	0	**2**
TOTAL	**57**	**34**	**73**	**34**	**57**	**79**	**55**	**74**	**57**	**520**

STATE COMMITTEE WOMAN	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	14	5	17	10	12	20	9	27	11	**125**
MADELEINE R GELSINON	43	29	55	24	45	59	45	46	46	**392**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	1	0	0	0	1	1	0	**3**
TOTAL	**57**	**34**	**73**	**34**	**57**	**79**	**55**	**74**	**57**	**520**

Republican Primary March 2, 2004

TOWN COMMITTEE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	1,053	477	1,239	654	1,181	1,457	879	1,399	1,006	**9,345**
ELENA BOWMAN	27	21	39	17	23	37	29	34	27	**254**
FRANK CANDELIERI	26	21	39	14	25	36	33	33	25	**252**
NANCY CLARK	31	21	42	14	25	45	33	38	32	**281**
LINCOLN CLARK	32	21	41	15	22	41	31	37	31	**271**
WALTER CLEVEN	32	26	42	21	30	42	38	46	36	**313**
CAROL CLEVEN	34	28	44	22	36	50	37	52	40	**343**
RICHARD CODLING	26	19	42	18	24	37	30	34	28	**258**
JOHN COPPINGER	29	21	41	19	25	39	30	36	27	**267**
WILLIAM CURRY	31	22	41	16	24	43	33	34	27	**271**
MATTHEW DULCHINOS	31	25	42	14	26	41	37	34	28	**278**
PETER DULCHINOS	32	24	46	17	26	40	40	36	33	**294**
PHILIP ELIOPOULOS	30	24	46	21	37	50	39	46	35	**328**
BRADFORD EMERSON	36	22	40	18	29	44	35	42	37	**303**
LINDA EMERSON	33	22	40	16	26	43	32	41	34	**287**
EILEEN FLETCHER	29	23	41	15	22	44	33	38	31	**276**
JOAN GUTWEIN	27	20	39	17	25	37	29	35	30	**259**
VERTON LENFEST	30	22	42	15	21	37	29	33	28	**257**
MARC LEVARN	26	19	37	14	20	36	29	32	26	**239**
MICHAEL McCALL	31	24	45	18	28	41	33	40	29	**289**
RICHARD McCLURE	32	21	42	17	25	42	32	37	30	**278**
MURIEL McGRANN	30	22	38	14	22	38	32	34	32	**262**
CONSTANCE PICKARD	29	24	37	14	20	41	33	35	28	**261**
ANNMARIE ROARK	27	21	43	18	25	47	30	42	28	**281**
PATRICIA SABER	25	21	37	14	20	37	29	35	33	**251**
SHAUN SABER	25	21	38	14	20	38	33	32	29	**250**
PAUL SARRATEGUI	27	21	37	15	21	37	29	32	30	**249**
MICHAEL SIELIAN	26	21	39	15	21	38	30	32	26	**248**
CAROL SNEDEN	26	23	42	15	25	39	31	36	27	**264**
DAVID SNEDEN	26	23	42	15	23	39	31	34	30	**263**
ERNEST TAYLOR	28	20	39	14	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Republican Primary March 2, 2004

TOWN COMMITTEE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
STUART WEISFELDT	31	24	48	18	32	47	35	46	36	**317**
BONNIE WILDER	35	23	41	21	35	42	33	40	37	**307**
SANDRA MARTINEZ **	2	0	1	4	0	0	0	0	0	**7**
JOHN THIBAULT * **	0	1	1	3	2	1	2	0	3	**13**
ELAINE ZOUZAS * **	0	1	1	0	2	1	1	0	3	**9**
ROBERT R. ENO * **	0	1	0	4	3	1	2	0	2	**13**
RAY W. PETERSON *	0	0	1	0	0	0	1	0	1	**3**
GREGG SCARFO *	0	0	0	0	1	0	0	0	0	**1**
TIM MARCOTT *	0	0	0	0	0	0	0	1	0	**1**
PAUL RIGAZZIO *	0	0	0	0	0	0	1	1	0	**2**
COLLEEN McARDLE *	0	0	0	0	0	0	2	0	0	**2**
MARK SALISBURY *	0	0	0	0	0	0	0	0	0	**0**
WRITE-INS	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	1,995	1,190	2,555	1,190	1,995	2,765	1,925	2,590	1,995	18,200

* write-in

** qualified to be a member of Town Committee

*** was not a registered republican by the Aug 19, 2003 deadline, therefore not qualified

TOWN OF CHELMSFORD LIBERTARIAN PRIMARY MARCH 2, 2004

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
PRESIDENTIAL PREF										
Blanks	0	0	0	0	0	0	0	0	0	0
Jeffrey Diket	1	0	0	0	0	1	0	0	0	2
Ruben Perex	0	0	0	0	0	0	0	0	0	0
Aaron Russo	1	0	0	1	0	1	0	0	0	3
Michael Badnarik	0	0	1	3	0	0	0	0	0	4
Gary Nolan	0	0	0	0	0	0	0	2	1	3
No Preference	0	0	0	0	0	0	0	1	0	1
Write-In	0	0	0	1	0	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	2	0	1	5	0	2	0	3	1	14
STATE COMMITTEE MAN 5TH MLDSX										
Blanks	1	0	0	4	0	1	0	2	0	8
Walter J. Ziobro, Jr (Write-In)	1	0	1	0	0	1	0	1	1	5
Write-In	0	0	0	1	0	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	2	0	1	5	0	2	0	3	1	14
STATE COMM WOMAN 5TH MLDSX										
Blanks	2	0	1	4	0	2	0	3	1	13
	0	0	0	0	0	0	0	0	0	0
Write-In	0	0	0	1	0	0	0	0	0	1
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	2	0	1	5	0	2	0	3	1	14
TOWN COMMITTEE (3 Openings)										
Blanks	6	0	3	11	0	6	0	9	3	38
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
Write-In	0	0	0	4	0	0	0	0	0	4
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	6	0	3	15	0	6	0	9	3	42

TOWN OF CHELMSFORD GREEN-RAINBOW PRIMARY MARCH 2, 2004

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
PRESIDENTIAL PREF										
Blanks	0	0	0	0	0	0	0	0	0	0
Kent Mesplay	0	0	0	0	0	0	0	0	0	0
Lorna Salzman	0	0	0	0	0	0	0	0	0	0
Paul Glover	0	0	0	0	0	0	0	0	0	0
David Cobb	0	0	0	0	0	0	0	1	0	1
No Preference	1	0	0	0	0	1	0	0	1	3
Write-In	0	0	0	2	0	0	0	0	0	2
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	1	0	0	2	0	1	0	1	1	6
STATE COMMITTEE MAN 5TH MLDSX										
Blanks	0	0	0	0	0	0	0	0	1	1
Daniel Melnechuk	1	0	0	2	0	1	0	1	0	5
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	1	0	0	2	0	1	0	1	1	6
STATE COMM WOMAN 5TH MLDSX										
Blanks	1	0	0	2	0	1	0	0	1	5
Gretchen Klotz	0	0	0	0	0	0	0	1	0	1
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	1	0	0	2	0	1	0	1	1	6
TOWN COMMITTEE (10 Openings)										
Blanks	10	0	0	20	0	10	0	9	10	59
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
Jeffrey C. O'Neil	0	0	0	0	0	0	0	1	0	1
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	10	0	0	20	0	10	0	10	10	60

WARRANT FOR ANNUAL
TOWN ELECTION APRIL 6, 2004

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1.	Town Offices Gymnasium, 50 Billerica Road
Precinct 2.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 4.	Westlands School Cafetorium, 170 Dalton Road
Precinct 5.	Byam School Cafetorium, 25 Maple Road
Precinct 6.	Westlands School Cafetorium, 170 Dalton Rd
Precinct 7.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 8.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 9.	Town Offices Gymnasium, 50 Billerica Road

On Tuesday, the 6th day of April, 2004 being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

Two Selectmen for three years;

Two School Committee Member for three years;

Two Library Trustees for three years;

One Board of Health Member for three years;

Two Planning Board Members for three years;

Two Sewer Commissioners for three years;

One Constable for three years

One Cemetery Commissioner for three years;

One Cemetery Commissioner for an unexpired one year

and to bring in their votes for the following:

Fifty-four Representative Town Meeting Members for three years in Precincts 1 through 9

1 Representative Town Meeting Member for an unexpired two year term in Precinct 2

1 Representative Town Meeting Member for an unexpired two year term in Precinct 3

2 Representative Town Meeting Members for an unexpired one year term each in Precinct 4

1 Representative Town Meeting Member for an unexpired one year term in Precinct 6

and to vote on the following question:

Shall the Town of Chelmsford be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds to be issued in order to finance the design and construction of a renovation and expansion of the Chelmsford High School, McCarthy Middle School, and the Parker Middle School?

; and to meet in the Senior Center, 75 Groton Road, North Chelmsford, on Monday, the twenty-sixth day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

Article 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

Board of Selectmen

Article 2. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

Town Manager
Finance Committee

Article 3. To see if the Town will vote to raise and appropriate or transfer from available funds, a certain sum of money for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998; or act in relation thereto.

Town Manager

Article 4. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to meet bills from previous years; or act in relation thereto.

Town Manager

Article 5. To see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, a certain sum of money to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford; or act in relation thereto.

Town Manager

Article 6. To see if the Town will vote to transfer a certain sum of money from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget Fiscal Year 2005; or act in relation thereto.

Town Manager
Conservation Commission

Article 7. To see if the Town will vote to transfer a certain sum of money from Sewer Betterments, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 2005 Budget; or act in relation thereto.

Town Manager
Sewer Commission

Article 8. To see if the Town will vote to transfer from the Stabilization Fund $2,000,000 to be used to offset that portion of debt and interest in the Fiscal Year 2005 Budget; or act in relation thereto.

Town Manager

Article 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be required to defray Town charges for the fiscal period July 1, 2004 to June 30, 2005; or act in relation thereto.

Town Manager

Article 10. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department for the Fiscal Year 2005; or act in relation thereto.

Town Manager

Article 11. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 2005. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to a certain sum during Fiscal Year 2005; or act in relation thereto.

Town Manager
Council on Aging

Article 12. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Police Department for Fiscal Year 2005. The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to a certain sum during Fiscal Year 2005; or act in relation thereto.

Town Manager
Police Department

Article 13. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E1/2 for the Inspection Department for Fiscal Year 2004. The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to a certain sum during Fiscal Year 2004; or act in relation thereto.

Town Manager

Article 14. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

Police	
Police Cruisers	$159,000
Gas Pump Canopy	$25,000
Fire	
Staff Vehicle	$31,000
Engine 4 Replacement	$280,000
UHF Radio System	$30,000
Cemetery	
Dump Truck	$35,000
DPW	
Drainage Projects	$100,000
Road Maintenance	$200,000
One Ton Dump Truck	$45,000
6 Wheel Dump Truck	$91,000
Superintendent Vehicle	$32,000
Council on Aging	
Carpet Replacement	$27,000
Health	
Staff Vehicle	$25,000
Byam School	
Window Replacement	$275,000
Generator	$65,000
Harrington	
Roof and Exhaust Fans	$375,000
Window Replacement	$275,000
Westlands	
Window Replacement	$225,000
System Wide	
Technology	$290,000

and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations, and to further authorize the Town Manager to enter into lease/purchase agreements in excess of three years; or act in relation thereto.

Board of Selectmen
Town Manager
Capital Planning Committee

Article 15. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

Police	
Police Cruisers	$159,000
Fire	
UHF Radio System	$30,000
DPW	
Drainage Projects	$100,000
Road Maintenance	$200,000
One Ton Dump Truck	$45,000
6 Wheel Dump Truck	$91,000
High School	
Fire Alarm	$465,000
McCarthy	
Roof - Final Phase	$575,000
Parker	
Boilers – Generator	$325,000
Harrington	
Roof and Exhaust Fans	$375,000
System Wide	
Technology	$290,000

and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations, and to further authorize the Town Manager to enter into lease/purchase agreements in excess of three years; or act in relation thereto.

Board of Selectmen
Town Manager
Capital Planning Committee

Article 16. To see if the Town will vote to transfer a certain sum of money from the sale of the Graves and Lots to the Cemetery Improvement and Development Fund; or act in relation thereto.

Cemetery Commission

Article 17. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund the following;

Costs Associated with payroll conversion
Opticom Equipment-Fire Department
Central Square Engineering

;or act in relation thereto.

Town Manager

Article 18. To see if the Town will vote to transfer a certain sum of money from the Insurance Sinking Fund to the Insurance Special Revenue Account established in accordance with MGL C. 44, Section 53; or act in relation thereto.

Town Manager

Article 19. To see if the Town will accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws establishing sewer service as an enterprise fund effective fiscal year 2006, or act in relation thereto.

Town Manager
Department of Public Works

Article 20. To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise, the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Turnpike Road Highway Easement, prepared by Weston and Sampson, Inc.," a copy of which is on file in the Office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing road and sidewalk improvements; and to vote to raise and appropriate, transfer from available funds, or borrow a sum of money for said acquisition, or to take any other action relative thereto.

Board of Selectmen

Article 21. To see if the Town will vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Wiggin Street

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

Board of Selectmen

Article 22. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2005 Community Preservation budget and:

A. to appropriate from FY2005 Community Preservation Fund revenues the following:

(1) a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2005,

and further

B. to reserve for future appropriation amounts from FY2005 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use,

(2) a sum of money for acquisition and preservation of historic resources,

(3) a sum of money for the creation and preservation and support of community housing,

(4) a sum of money for the Community Preservation Fund FY2005 Budgeted Reserve

or take any other action in relation thereto.

Community Preservation Committee

Article 23. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Community Housing Reserve, for use by the Chelmsford Housing Authority for the purpose of "buying down" to an affordable rate, a unit of housing at the Courtyard on Littleton Road, or act in relation thereto.

Community Preservation Committee

Article 24. To see if the Town will vote to amend Section 4-3 (h) of the Town Charter to read as follows:

(h) to be responsible for the rental, use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee. **With respect to those Town facilities under the jurisdiction of the school committee, the Town Manager in consultation with the Superintendent of Schools, shall be responsible for the rental, use, maintenance and repair of such school facilities.**

; and further to amend the Town Charter as follows,

1. Abolish the Cemetery Commission by deleting Section 3-8 which currently reads:
   (a) Composition, Term of Office
   There shall be a cemetery commission composed of three members elected for terms of three years, so arranged that the term of one member expires each year.
   (b) Powers and Duties
   The cemetery commission shall have sole care, superintendence and management of all burial grounds of the Town. The cemetery commission shall have all the powers and duties given to cemetery commissions by the laws of the commonwealth, the charter, bylaw or other town meeting vote.
2. Renumber Sections 3-9,3-10,3-11 and 3-12 as Sections 3-8, 3-9,3-10 and 3-11 respectively. The reference to Section 3-9 in Section 8-5(k) is hereby changed to 3-8.
3. Amend Section 5-2 to read as follows:
   Section 5-2. Department of Public Works.

   Until such time as otherwise provided in accordance with section 5-1, there shall be established a department of public works under the direction of the town manager. The town manager shall appoint a director of public works who shall be a person especially suited by education, training and previous experience to perform the duties of the office. The director shall be responsible for the supervision and coordination of all public works operations of the town that are placed under control of the director by this charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the department of public works: highway, engineering, recreation, public buildings, parks, **cemeteries,** and tree warden. **The town manager shall appoint a board of cemetery advisors, consisting of three members, which shall be responsible for advising the town manager and the director regarding**

the operation and maintenance of town cemeteries, and the expenditure of gifts and bequests for cemetery maintenance. There shall also be a sewer division which shall operate each sewer line, or sewer system at the time that the sewer line or sewer system is completed and becomes operational.

4. Amend Section 8-5 Time of Taking Effect by adding a new subsection (v) to read as follows:

   (v) Upon the adoption of the Charter amendment abolishing the Cemetery Commission, the incumbent members of the Cemetery Commission shall be deemed to have vacated their office.

;or to take any action relative thereto.

Board of Selectmen

Article 25. To see if the Town will vote to amend the General Bylaws Chapter 16, Demolition of Buildings, by deleting the following sections:

§ 16.2 Review by Historical Commission and Historic District Commission

A. When an application for a permit for the demolition of a building in whole or in part that is 100 years of age or older is made to the Building Inspector, the applicant shall also furnish a copy of the request to the Chelmsford Historical Commission, and if said building is within the boundaries of the Chelmsford Historic District(s) a copy of the request shall also be furnished to the Chelmsford Historic District Commission.

B. The Chelmsford Historical Commission shall submit written recommendations to the Building Inspector and the Historic District Commission, if applicable, within 14 days of the receipt of an application for a permit to demolish any building in whole or in part that is 100 years or older. The Commission shall base its recommendations upon its review of the historical, archaeological, architectural and/or cultural significance of the structure involved. If the Historical Commission does not submit a written recommendation to the Building Inspector and the Historic District Commission when applicable as provided above, it shall be deemed to have approved the application for a permit.

C. Notwithstanding anything contained in this chapter to the contrary, the powers and duties of the Chelmsford Historic District Commission as established under M.G.L. c. 40C, as amended by Chapter 68, Historic District, of the Code of the Town of Chelmsford, shall not be amended by this chapter.

§ 16.3 Violations and penalties.

Any violation of this chapter shall be punishable by a fine of $200.

And replace with the following:

§ 16.2 Demolition Delay for Review by Historic Commission.

A. Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes, monuments, and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permits applications. The issuance of demolition permits is regulated as provided by this by-law.

B. Definitions

APPLICANT- Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION- An application for the demolition of a building.

BUILDING- Any combination of materials forming a shelter for persons, animals, or property.

BUILDING INSPECTOR- The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

COMMISSION- The Chelmsford Historical Commission.

DEMOLITION- Any act of pulling down, destroying, removing, dismantling, razing or relocating 25 % or more of a building, streetscape, monument, or neighborhood and commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION PERMIT- The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED- Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve-month demolition delay period of this bylaw.

SIGNIFICANT BUILDING- Any building within the Town which is in whole or in part fifty years or more old and which has been determined by the Commission to be significant based on any of the following criteria:

- The Building is listed on, or is within an area listed on, the National Register of Historic Places; or
- The Building has been found eligible for the National Register of Historic Places, or
- The Building has been found eligible for the State Register of Historic Places, or
- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

C. Procedure

No demolition permit for a building which is in whole or in part fifty years or more old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 75 years old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the Building Inspector an application containing the following information.

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the propose re-use, reconstruction or replacement.
- A photograph or photograph(s) of the building.

The Building Inspector shall within seven days forward a copy of the application to the Commission. The Commission shall within 65 days after the receipt of the application, make a written determination of whether the building is significant.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector within 65 days of receipt of the application, the Inspector may proceed to issue the demolition permit

If the Commission finds that the building is significant, it shall hold a public hearing within 30 days of the written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of the said hearing and the applicant and the building inspector shall be notified in writing of the meeting time and place.

The Commission shall decide at the public hearing or within fourteen days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector in writing within twenty one days of the public hearing, the Building inspector may issue the demolition permit.

Upon determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission.

After the expiration of the twelve month period no permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building inspector and have been found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

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The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the twelve months if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the twelve month delay period, the Building Inspector may issue the demolition permit.

D. Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms this of this bylaw.

The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

E. Emergency Demolition

If after an inspection, the Building Inspector finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue, with the approval of the Historical Commission, an emergency demolition permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

F. Enforcement and Remedies

The Commission and/the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law and equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violated thereof.

Any owner of a building subject to this bylaw who demolished the building without first obtaining a demolition permit in accordance with the provisions of the bylaw shall be subject to a fine of not more than $300.00. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of three years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission.

G. Historic Act

Following a determination that the building is significantly and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local district.

Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C; or the powers and duties of the Chelmsford Historic District Commission as established under MGL c. 40C, as amended by Chapter 68 Historic District, of the Code of the Town of Chelmsford. If any of the provisions of the bylaw do so conflict, that act shall prevail.

H. Severability

In the event any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

§ 16.3 Violations and penalties.

Unless otherwise provided within this chapter, any violation of the provisions of this chapter shall be punishable by a fine of $200

Historical Commission

Article 26. To see if the Town will vote to amend the zoning by-law and zoning map of the Town of Chelmsford to change from an RB to RC the property located at 81 Groton Road, as shown on the zoning map, or act in relation thereto.

Petition

Article 27. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Article XV, Floodplain District, as follows:

A. In section 195-77, by deleting the words "National Flood Insurance Program Flood Insurance Rate Map for the Town of Chelmsford prepared by the United States Department of Housing and Urban Development, Community Panel Number 250188 0005B-000515, dated June 4, 1980" wherever it appears, and inserting in its place "National Flood Insurance Program, FIRM Flood Insurance Rate Map, Town of Chelmsford, Massachusetts, Middlesex County, Community Number 250188, Panel Numbers 0001C through 0013C, dated June 4, 2002"
B. In section 195-77, by deleting the words "Chelmsford Flood Insurance Study, dated December 1979" wherever it appears, and inserting in its place "Flood Insurance Study (FIS), dated June 4, 2002"
C. By deleting Section 195-78.A in its entirety and eliminating the subsection designation from 195-78B.
D. In section 195-81, by deleting the words "Chelmsford Floodplain and Floodway District Map" and inserting in its place "Flood Insurance Rate Map"

; or act in relation thereto.

Community Development Coordinator

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 8th th day of March, 2004

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Michael F. McCall, Chairman

Philip M. Eliopoulos, Vice Chairman

Stuart G. Weisfeldt, Clerk

Thomas E. Moran

William F. Dalton

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 26, 2004.

Thursday, April 29, 2004 at 7:30 p.m.

Monday, May 3, 2004 at 7:30 p.m.

Thursday, May 6, 2004 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 11th, 2004

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

TOWN ELECTION APRIL 6, 2004

SELECTMAN 3Yrs (2)	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
BLANKS	326	203	340	300	343	451	451	338	374	**3126**
THOMAS E MORAN *	409	276	503	350	365	519	587	451	395	**3855**
THOMAS A NEWCOMB	445	234	378	347	494	494	592	476	556	**4016**
DOMINIC M LEONE	189	154	248	204	163	249	288	254	229	**1978**
MICHAEL F McCALL *	448	312	598	362	439	557	748	522	504	**4490**
MISC WRITE-INS	1	1	1	1	4	6	0	1	8	**23**
TOTAL	**1818**	**1180**	**2068**	**1564**	**1808**	**2276**	**2666**	**2042**	**2066**	**17488**
SCHOOL COMMITTEE 3 Yrs (2)										
BLANKS	767	496	893	659	740	957	1037	851	853	**7253**
EVELYN S THOREN *	458	322	541	404	495	596	687	513	560	**4576**
KEVIN E PORTER	590	359	628	497	559	718	935	675	638	**5599**
KATHY DUFFET	0	0	0	0	6	0	5	3	0	**14**
MISC WRITE-INS	3	3	6	4	8	5	2	0	15	**46**
TOTAL	**1818**	**1180**	**2068**	**1564**	**1808**	**2276**	**2666**	**2042**	**2066**	**17488**
LIBRARY TRUSTEE 3 Yrs (2)										
BLANKS	646	412	807	612	682	829	951	732	760	**6431**
EDMOND N ROUX	226	152	256	216	206	359	320	286	270	**2291**
PATRICIA WOJTAS	449	330	518	347	468	510	602	496	498	**4218**
STEVEN P.L MALONEY *	496	286	487	389	450	578	793	527	536	**4542**
MISC WRITE-INS	1	0	0	0	2	0	0	1	2	**6**
TOTAL	**1818**	**1180**	**2068**	**1564**	**1808**	**2276**	**2666**	**2042**	**2066**	**17488**
BOARD OF HEALTH 3 Yr (1)										
BLANKS	316	183	348	264	340	373	453	323	384	**2984**
EARNEST WU *	593	407	683	518	564	762	879	696	649	**5751**
MISC WRITE-INS	0	0	3	0	0	3	1	2	0	**9**
TOTAL	**909**	**590**	**1034**	**782**	**904**	**1138**	**1333**	**1021**	**1033**	**8744**
SEWER COMMISSION 3 Yr (2)										
BLANKS	659	405	759	591	738	849	980	733	833	**6547**
JOHN P EMERSON, JR *	605	415	700	516	561	744	895	693	643	**5772**
BARRY B BALAN *	554	360	607	457	507	682	789	616	588	**5160**
MISC WRITE-INS	0	0	2	0	2	1	2	0	0	**7**
TOTAL	**1818**	**1180**	**2068**	**1564**	**1808**	**2276**	**2666**	**2042**	**2064**	**17486**

	Pct 1	Pct 2	Pct 3	Pct 4	Pct 5	Pct 6	Pct 7	Pct 8	Pct 9	TOTAL
PLANNING BOARD 3 Yr (2)										
BLANKS	561	327	715	526	560	734	814	631	599	**5467**
CHARLES WOJTAS *	407	290	480	364	439	503	607	485	486	**4061**
S CARTER SULLIVAN *	454	308	488	360	449	554	683	500	544	**4340**
ANN B McGUIGAN	394	255	382	314	357	484	558	423	435	**3602**
MISC WRITE-INS	2	0	3	0	3	1	4	3	2	**18**
TOTAL	**1818**	**1180**	**2068**	**1564**	**1808**	**2276**	**2666**	**2042**	**2066**	**17488**
CONSTABLE 3 Yr (1)										
BLANKS	295	176	351	266	347	403	458	323	393	**3012**
WILLIAM E SPENCE *	613	414	682	516	557	734	873	698	638	**5725**
MISC WRITE-INS	1	0	1	0	0	1	2	0	2	**7**
TOTAL	**909**	**590**	**1034**	**782**	**904**	**1138**	**1333**	**1021**	**1033**	**8744**
CEMETERY COMMISSION 3 Yr (1)										
BLANKS	305	187	364	267	324	396	470	327	397	**3037**
GERALD L HARDY *	604	402	669	514	579	741	859	693	635	**5696**
MISC WRITE-INS	0	1	1	1	1	1	2	1	1	**11**
TOTAL	**909**	**590**	**1034**	**782**	**904**	**1138**	**1331**	**1021**	**1033**	**8744**
CEMETERY COMM Unexp 1 yr (1)										
BLANKS	329	194	377	268	340	401	468	336	400	**3113**
PETER S PEDULLA	580	394	655	513	564	734	862	685	632	**5619**
WRITE-INS	0	0	1	0	0	1	2	0	0	**4**
MISC WRITE-INS	0	2	1	1	0	2	1	0	1	**8**
TOTAL	**909**	**590**	**1034**	**782**	**904**	**1138**	**1333**	**1021**	**1033**	**8744**
QUESTION 1										
BLANKS	7	5	9	9	12	8	6	11	10	**77**
YES	536	296	588	405	613	697	894	563	682	**5274**
NO	366	289	437	368	279	433	433	447	341	**3393**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**909**	**590**	**1034**	**782**	**904**	**1138**	**1333**	**1021**	**1033**	**8744**

PCT 1 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	2645	0	0	0	0	0	0	0	0	**2645**
NANCY H ROBINSON *	474	0	0	0	0	0	0	0	0	**474**
KATHRYN BROUGH *	460	0	0	0	0	0	0	0	0	**460**
BARRY B BALAN *	459	0	0	0	0	0	0	0	0	**459**
BRAD M MORGAN	496	0	0	0	0	0	0	0	0	**496**
KATHLEEN A TUBRIDY*	457	0	0	0	0	0	0	0	0	**457**
PEGGY DUNN *	459	0	0	0	0	0	0	0	0	**459**
JOSEPH HOLLAND	3	0	0	0	0	0	0	0	0	**3**
MISC WRITE-INS	1	0	0	0	0	0	0	0	0	**1**
TOTAL	**5454**									**5454**
PCT 2 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	0	1657	0	0	0	0	0	0	0	**1657**
LINDA H DALTON *	0	324	0	0	0	0	0	0	0	**324**
MARK T CONNORS *	0	297	0	0	0	0	0	0	0	**297**
TERENCE M O'NEIL	0	328	0	0	0	0	0	0	0	**328**
FRANCIS M CONLIN *	0	289	0	0	0	0	0	0	0	**289**
M JANICE SPENCE *	0	322	0	0	0	0	0	0	0	**322**
PHYLLIS H CLARK *	0	318	0	0	0	0	0	0	0	**318**
DANA YEOMANN (write-in)	0	4	0	0	0	0	0	0	0	**4**
MISC WRITE-INS	0	1	0	0	0	0	0	0	0	**1**
TOTAL		**3540**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3540**
PCT 2 TOWN REP MEMBER										
BLANKS	0	525	0	0	0	0	0	0	0	**525**
DANA YEOMANN (write-in)	0	11	0	0	0	0	0	0	0	**11**
KENITH TASSI (write-in)	0	3	0	0	0	0	0	0	0	**3**
MISC WRITE-INS	0	51	0	0	0	0	0	0	0	**51**
TOTAL		**590**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**590**
PCT 3 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	0	0	3179	0	0	0	0	0	0	**3179**
H STEVE FLYNN *	0	0	486	0	0	0	0	0	0	**486**
NANCY J KNIGHT *	0	0	484	0	0	0	0	0	0	**484**
DAVID W HADLEY *	0	0	498	0	0	0	0	0	0	**498**
JODIE L MURPHY *	0	0	501	0	0	0	0	0	0	**501**
ROBERT M LEAVITT	0	0	570	0	0	0	0	0	0	**570**
CAROL W MERRIAM *	0	0	485	0	0	0	0	0	0	**485**
MISC WRITE-INS	0	0	1	0	0	0	0	0	0	**1**
TOTAL	**0**	**0**	**6204**	**0**	**0**	**0**	**0**	**0**	**0**	**6204**

PCT 3 TOWN REP MEMBER Unexp 2 Yr (1)										
BLANKS	0	0	398	0	0	0	0	0	0	**398**
ALAN N COTE	0	0	635	0	0	0	0	0	0	**635**
MISC WRITE-INS	0	0	1	0	0	0	0	0	0	**1**
TOTAL		**0**	**1034**	**0**	**0**	**0**	**0**	**0**	**0**	**1034**
PCT 4 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	0	0	0	2734	0	0	0	0	0	**2734**
CATHLEEN H LATINA	0	0	0	411	0	0	0	0	0	**411**
ROBERT O GARDNER	0	0	0	349	0	0	0	0	0	**349**
HELEN A MANAHAN	0	0	0	389	0	0	0	0	0	**389**
DANIEL SULLIVAN, III	0	0	0	397	0	0	0	0	0	**397**
RAYMONDE R LEGRAND	0	0	0	355	0	0	0	0	0	**355**
JAMES COMEAU (write-in)	0	0	0	26	0	0	0	0	0	**26**
JEFFREY HARDY (write-in)	0	0	0	5	0	0	0	0	0	**5**
MELANIE COTE (write-in)	0	0	0	7	0	0	0	0	0	**7**
HENRY HOULE (write-in)	0	0	0	3	0	0	0	0	0	**3**
MISC WRITE-INS	0	0	0	16	0	0	0	0	0	**16**
TOTAL		**0**	**0**	**4692**	**0**	**0**	**0**	**0**	**0**	**4692**
PCT 4 TOWN REP MEMBER Unexp 1 Yr (2)										
BLANKS	0	0	0	1515	0	0	0	0	0	**1515**
JEFFREY HARDY (write-in)	0	0	0	3	0	0	0	0	0	**3**
ALEXANDER BUCK (write-in)	0	0	0	7	0	0	0	0	0	**7**
MARLENE COTE (write-in)	0	0	0	12	0	0	0	0	0	**12**
HENRY HOULE (write-in)	0	0	0	5	0	0	0	0	0	**5**
MISC WRITE-INS	0	0	0	22	0	0	0	0	0	**22**
TOTAL	**0**	**0**	**0**	**1564**	**0**	**0**	**0**	**0**	**0**	**1564**
PCT 5 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	0	0	0	0	2401	0	0	0	0	**2401**
SUSAN CARTER SULLIVAN	0	0	0	0	447	0	0	0	0	**447**
PHILIP M ELIOPOULOS	0	0	0	0	513	0	0	0	0	**513**
MATTHEW D THOREN	0	0	0	0	379	0	0	0	0	**379**
DEAN CARMERIS	0	0	0	0	415	0	0	0	0	**415**
BEVERLY A BARRETT	0	0	0	0	400	0	0	0	0	**400**
CAROL KELLY-SULESKI	0	0	0	0	440	0	0	0	0	**440**
CHARLES WOJTAS	0	0	0	0	428	0	0	0	0	**428**
MISC WRITE-INS	0	0	0	0	1	0	0	0	0	**1**
TOTAL	**0**	**0**	**0**	**0**	**5423**	**0**	**0**	**0**	**0**	**5423**

PCT 6 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	0	0	0	0	0	3233	0	0	0	**3233**
SUSAN KUPOR McHUGH *	0	0	0	0	0	621	0	0	0	**621**
EDMOND N ROUX	0	0	0	0	0	435	0	0	0	**435**
NANCY W KAELIN *	0	0	0	0	0	490	0	0	0	**490**
PAMELA H McKENNA *	0	0	0	0	0	553	0	0	0	**553**
JANET G DUBNER *	0	0	0	0	0	585	0	0	0	**585**
DONALD F VAN DYNE	0	0	0	0	0	449	0	0	0	**449**
GEORGE T CHIANIS *	0	0	0	0	0	401	0	0	0	**401**
JEFFREY HARDY (write-in)	0	0	0	0	0	44	0	0	0	**44**
ALEXANDER BUCK (write-in)	0	0	0	0	0	14	0	0	0	**14**
SHEILA DOHERTY (write-in)	0	0	0	0	0	3	0	0	0	**3**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**0**	**0**	**0**	**0**	**0**	**6828**	**0**	**0**	**0**	**6828**
PCT 6 TOWN REP MEMBER Unexp 1 Yr (1)										
BLANKS	0	0	0	0	0	875	0	0	0	**875**
JEFFREY HARDY (write-in)	0	0	0	0	0	102	0	0	0	**102**
ALEXANDER BUCK (write-in)	0	0	0	0	0	140	0	0	0	**140**
SHEILA DOHERTY (write-in)	0	0	0	0	0	5	0	0	0	**5**
MISC WRITE-INS	0	0	0	0	0	16	0	0	0	**16**
TOTAL	**0**	**0**	**0**	**0**	**0**	**1138**	**0**	**0**	**0**	**1138**
PCT 7 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	0	0	0	0	0	0	3408	0	0	**3408**
THOMAS R FALL	0	0	0	0	0	0	441	0	0	**441**
LINDA J FALL	0	0	0	0	0	0	549	0	0	**549**
LEONARD W DOOLAN III *	0	0	0	0	0	0	717	0	0	**717**
JOHN S GOFFIN *	0	0	0	0	0	0	692	0	0	**692**
KEVIN E PORTER *	0	0	0	0	0	0	777	0	0	**777**
R KENLEY FREEMAN *	0	0	0	0	0	0	678	0	0	**678**
BERNARD A READY *	0	0	0	0	0	0	730	0	0	**730**
KAREN DIDONATO (write-in)	0	0	0	0	0	0	3	0	0	**3**
MISC WRITE-INS	0	0	0	0	0	0	3	0	0	**3**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**7998**	**0**	**0**	**7998**

PCT 8 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	0	0	0	0	0	0	0	2641	0	**2641**
RALPH HULSLANDER, JR *	0	0	0	0	0	0	0	496	0	**496**
S GEORGE ZAHAROOLIS *	0	0	0	0	0	0	0	461	0	**461**
CHRISTINA H WALSH *	0	0	0	0	0	0	0	542	0	**542**
RICHARD J DAY *	0	0	0	0	0	0	0	518	0	**518**
RACHAEL A HADED	0	0	0	0	0	0	0	498	0	**498**
KAREN M DeDONATO	0	0	0	0	0	0	0	549	0	**549**
GAIL T ZAHAROOLIS *	0	0	0	0	0	0	0	421	0	**421**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**6126**	**0**	**6126**
PCT 9 TOWN REP MEMBERS 3 Yr (6)										
BLANKS	0	0	0	0	0	0	0	0	3458	**3458**
ROBERT P MACKEY *	0	0	0	0	0	0	0	0	542	**542**
D PHILIP-S ELIAS	0	0	0	0	0	0	0	0	508	**508**
FRANCIS J BARRE *	0	0	0	0	0	0	0	0	519	**519**
EDNAH C COPENHAVER	0	0	0	0	0	0	0	0	482	**482**
BARRY K HAMILL *	0	0	0	0	0	0	0	0	521	**521**
JIAMES YOUNG (write-in)	0	0	0	0	0	0	0	0	86	**86**
SCOTT BERGLUND (Write-in)	0	0	0	0	0	0	0	0	22	**22**
GORDON GUAY (Write-in)	0	0	0	0	0	0	0	0	8	**8**
MARY GREGOIRE (write-in)	0	0	0	0	0	0	0	0	10	**10**
BARBARA MACKEY (write-in)	0	0	0	0	0	0	0	0	9	**9**
ROBERT COTE (write-in)	0	0	0	0	0	0	0	0	3	**3**
MISC WRITE-INS	0	0	0	0	0	0	0	0	30	**30**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**6198**	**6198**

REPRESENTATIVES IN ORDER OF VOTES RECEIVED

PCT 1 TOWN REP MEMBERS 3 Yr (6)	
BLANKS	2645
BRAD M MORGAN	496
NANCY H ROBINSON	474
KATHRYN BROUGH	460
BARRY B BALAN	459
PEGGY DUNN	459
KATHLEEN A TUBRIDY	457
JOSEPH HOLLAND	3
MISC WRITE-INS	1
TOTAL	**5454**

PCT 2 TOWN REP MEMBERS 3 Yr (6)	
BLANKS	1657
TERENCE M O'NEIL	328
LINDA H DALTON	324
M JANICE SPENCE	322
PHYLLIS H CLARK	318
MARK T CONNORS	297
FRANCIS M CONLIN	289
DANA YEOMANN	4
MISC WRITE-INS	1
TOTAL	**3540**

PCT 3 TOWN REP MEMBERS 3 Yr (6)	
BLANKS	3179
ROBERT M LEAVITT	570
JODIE L MURPHY	501
DAVID W HADLEY	498
H STEVE FLYNN	486
CAROL W MERRIAM	485
NANCY J KNIGHT	484
MISC WRITE-INS	1
TOTAL	**6204**

PCT 4 TOWN REP MEMBERS 3 Yr (6)	
BLANKS	2734
CATHLEEN H LATINA	411
DANIEL SULLIVAN, III	397
HELEN A MANAHAN	389
RAYMONDE R LEGRAND	355
ROBERT O GARDNER	349
JAMES COMEAU (write-in)	26
JEFFREY HARDY (write-in)	5
MARLENE COTE (write-in)	7
HENRY HOULE (write-in)	3
MISC WRITE-INS	16
TOTAL	**4692**

PCT 5 TOWN REP MEMBERS 3 Yr (6)	
BLANKS	2401
PHILIP M ELIOPOULOS	513
SUSAN CARTER SULLIVAN	447
CAROL KELLY-SULESKI	440
CHARLES WOJTAS	428
DEAN CARMERIS	415
BEVERLY A BARRETT	400
MATTHEW D THOREN	379
MISC WRITE-INS	1
TOTAL	**5423**

PCT 6 TOWN REP MEMBERS 3 Yr (6)	
BLANKS	3233
SUSAN KUPOR McHUGH	621
JANET G DUBNER	585
PAMELA H McKENNA	553
NANCY W KAELIN	490
DONALD F VAN DYNE	449
EDMOND N ROUX	435
GEORGE T CHIANIS	401
JEFFREY HARDY (write-in)	44
ALEXANDER BUCK (write-in)	14
SHEILA DOHERTY (write-in)	3
MISC WRITE-INS	0
TOTAL	**6828**

PCT 7 TOWN REP MEMBERS 3 Yr (6)

BLANKS	3408
KEVIN E PORTER	777
BERNARD A READY	730
LEONARD W DOOLAN III	717
JOHN S GOFFIN	692
R KENLEY FREEMAN	678
LINDA J FALL	549
THOMAS R FALL	441
KAREN DIDONATO	3
MISC WRITE-INS	3
TOTAL	**7998**

PCT 8 TOWN REP MEMBERS 3 Yr (6)

BLANKS	2641
KAREN M DeDONATO	549
CHRISTINA H WALSH	542
RICHARD J DAY	518
RACHAEL A HADED	498
RALPH HULSLANDER, JR	496
S GEORGE ZAHAROOLIS	461
GAIL T ZAHAROOLIS	421
MISC WRITE-INS	0
TOTAL	**6126**

PCT 9 TOWN REP MEMBERS 3 Yr (6)

BLANKS	3458
ROBERT P MACKEY	542
BARRY K HAMILL	521
FRANCIS J BARRE	519
D PHILIP-S ELIAS	508
EDNAH C COPENHAVER	482
JAMES YOUNG (write-in)	86
SCOTT BERGLUND (write-in)	22
MARY GREGOIRE (write-in)	10
BARBARA MACKEY (write-in)	9
GORDON GUAY	8
ROBERT COTE (write-in)	3
MISC WRITE-INS	30
TOTAL	**6198**

WARRANT FOR SPECIAL
TOWN MEETING APRIL 29, 2004

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Thursday, the twenty-ninth of April, at 8:00 PM in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to amend the Fiscal Year 2004 operating budget under Article 12 of the Annual Town Meeting held on April 28, 2003 as follows:

Increase Line Item #16, Undistributed, by $490,000

And that the Town transfer $490,000 from Overlay Surplus to defray such changes; or act in relation thereto.

SUBMITTED BY: **Town Manager**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 15 day of April, 2004.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Stuart G. Weisfeldt, Chairman

Philip M. Eliopoulos, Vice Chairman

Thomas A. Newcomb, Clerk

William F. Dalton

Michael F. McCall

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following date and time for continued sessions of the Town Meeting of April 29, 2004:

Monday, May 3, 2004 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. April 15, 2004

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence,
Constable

A True Copy Attest, William E. Spence

William E. Spence,
Constable

ANNUAL TOWN MEETING
April 26, 2004

The Annual Town Meeting was called to order at 7:35 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. There were **156** Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. The Moderator then asked for a moment of silence in honor of Philip L. Currier who had past away at the beginning of the year. He was a past member of the Board of Selectmen and served on many Town Boards. The meeting then began.

Selectman Stuart G. Weisfeldt moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. Motion carried, unanimously. Selectman Stuart G. Weisfeldt moved that the reading of the entire warrant be waived. Motion carried, unanimously. From time to time various non resident town employees may need to address the Body regarding certain issues. He asked that Bruce Forrester and Gary Percheuti of the School Department be given permission from the Body to speak if called upon. Motion carried, unanimously.

Under Article 1 Selectman Stuart G. Weisfeldt moved that the Town hear reports of the Town Officers and Committees.

The Town Manager Bernard Lynch came forward and addressed the Body. He talked about the progress of the Central Square Improvement project. The traffic lights will be going on within the near future. At this point there is a telephone pole at the corner of Rt 110 and Rt 129 that needs to be moved in order for some engineering work to be completed. Once this is done the lights will go into operation. He talked about the upcoming 350 year Town Celebration. It will start with the winterfest celebration in 2005, then on Memorial Day there will be an event. The July 4th celebration will also be celebrating the 350 year celebration. And in October there will be a reenactment of a revolutionary war battle on the Warren/Pohl property located off Boston Road. The celebration will be about Chelmsford's past and future and he asked that the residents attend all the events.

The Manager then went on to discuss the Town's finances and outlined the spending for the upcoming fiscal year. He went over the concerns and issues regarding revenues and expenditures. Revenues are up 2% over FY2004. State aide is down which results in the property taxes going up to make up the difference. He went over the local taxes showing past and proposed new growth. Local taxes will go up by 3.3 million dollars in FY 2005. State Aide is just above history has been a roller coaster. It will be level funded for FY 2005. He listed the funding categories of State Aide. He went over the available funds, Sewer betterments, Wetland Act. He is planning of forming an Enterprise account for the Sewer user fees. This will be a segregated account that will be used only for the operation of the Town's sewer system. He went over free cash. There was none for FY/04, but there will be some available in FY/05. He addressed the stabilization fund and what the plan will be by the year 2012. He went over local receipts, excise revenues and investment income are down as a result of the economy.

However it is showing signs of picking up. He went over the expenditure distributions. Due to more retirees the employee benefits increased and the cost of health insurance has increased. He is looking into ways to improve this situation. Overall the Town is doing well. There have been no cutbacks in services FY/05 looks to be stable, he knows where the problem areas lie and he will work on them.

Under Article 2 Town Manager Bernard F. Lynch moved that the Town raise and appropriate $150,000 to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6.

The Town Manager explained that this is a yearly article. It's purpose is for the Finance Committee to have available funds that can be used for emergency transfers when requests are made from the various Departments. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 3. Town Manager Bernard F. Lynch moved that the Town raise and appropriate $25,000 for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998.

The Town Manager explained that this is to fund the ongoing lease for the Town's supply of sand off of Richardson Rd. It is under a ten year agreement. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 4. Town Manager Bernard F. Lynch moved that the Town transfer $7,883 from Overlay Surplus to meet bills from previous years.

The Manager explained that this transfer is from a portion of the remaining balance from the overlay vote by the Board of Assessors in October of 2003. It is to be used to pay for engineering work done in conjunction with the Central Square Improvement project. The State is funding roughly 2 million dollars towards this project, however if they find items that are not directly associated with the project they will not pay the bill and the Town is responsible for doing so. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 5. Town Manager Bernard F. Lynch moved that the Town raise and appropriate $25,000 to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford.

The Manager explained that the Charter requires that an audit be done each year. This is the cost for doing so. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 6. Town Manager Bernard F. Lynch moved that the Town transfer $7,500 from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget Fiscal Year 2005.

The Manager explained that the Conservation Commission collects fee's through out the year which is transferred back into it's operating budget. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 7. Town Manager Bernard F. Lynch moved that the Town transfer $500,000 from Sewer Betterments, Special Revenue, to reduce the exempt portion of debt and interest in the Fiscal Year 2005 Budget.

The Manager explained that this is a yearly article. More than likely it will be the last time the monies are used this way. The money will be used to fund the future school improvement project. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously

Under Article 8. Town Manager Bernard F. Lynch moved that the Town transfer $2,000,000 from the Stabilization Fund to be used to offset that portion of debt and interest in the Fiscal Year 2005 Budget.

The Manager explained this money will enable the Town to maintain the current level of service for FY05. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 9. The Manager said he had addressed the main concerns of this budget under article 1 already. He would explain briefly the highlights of the budget. There are many communities around Chelmsford that have gone for override questions in order to fund their budgets. The Town hasn't needed to do this due to using stabilization money. This is a level service budget. There are a few of the collective bargaining unions still unsettled. Some of the departments within the budget slightly increased. In FY05 there will be an extra election, the Community Development budget increased due to proposed 40B applications which will require more staffing hours. Under Public Safety an extra fireman will be added. The Police Department will be reconstructed in order the deal with the Town's drug related issues that have arisen. Under the DPW the ground maintenance division was restructured between the Sewer and Park division. An extra foreman will be added to the Highway Department. This position went unfilled for many years, however the current foreman is on call 24-7 and it's in the Town's best interest cost wise, to reinstate the second foreman's position. Under the Board of Health the Inspector, Nurse and Administrative positions were cut back due to early retirements. The Board has shown a justified need to increase these staff hours. He went on to further say that this is a level service budget, and asked for support. The Moderator explained

that he would go through the budget reading the figures in the gray areas, which is the total budget figure for a particular category in the Finance Committee's warrant book. He would ask if there were any questions or discussion before moving onto the next category. A vote would be taken regarding the total FY05 budget figure to raise and appropriate at the end. He began with the Municipal Administration category and ended with the Debt category. There were no questions asked. He asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously. The article reads as follows:

Town Manager Bernard F. Lynch moved that the Town raise and appropriate the sum of $80,425,269 to defray Town charges for the fiscal period July 1, 2004 to June 30, 2005 according to the following line items:

Municipal Administration	
Personnel Services	$1,315,150
Expenses	$646,584
Chelmsford School Department	$41,300,000
Nashoba Technical High School	$1,018,239
Public Safety	
Personnel Services	$8,225,499
Expenses	$812,465
Public Works	
Personnel Services	$1,982,532
Expenses	$4,136,705
Snow and Ice	$460,000
Offset Receipts	($1,893,630)
TOTAL	$4,685,607
Sewer Commission Expenses	$5,000
Cemetery	
Personnel Services	$218,440
Expenses	$39,375
Community Services	
Personnel Services	$428,028
Expenses	$134,950
Library	
Personnel Services	$995,126
Expenses	$392,089
Undistributed	$10,190,165
Debt	
Principal	$6,599,956
Interest	$3,418,596

Article 10. Town Manager Bernard F. Lynch moved that the body vote to table this article. Will bring this article back in the fall when free cash is available.

The Moderator asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 11. Town Manager Bernard F. Lynch moved that the Town authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 2005. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to $300,000 during Fiscal Year 2005.

The Manager explained that this article, as well as the next two are annual articles. Due to the fact that revolving funds are being used, it is a requirement of State law that each year these articles be voted in order for the funds to be used. . The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 12. Town Manager Bernard F. Lynch moved that the Town authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Police Department for Fiscal Year 20045. The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of equipping new police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to $50,000 during Fiscal Year 2005.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 13. Town Manager Bernard F. Lynch moved that the Town authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E1/2 for the Inspection Department for Fiscal Year 2005. The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to $10,000 during Fiscal Year 2005.

The Manager explained that this position is shared with the Town of Dracut and Billerica. The owners of the scales pay for the fee's involved for the inspection. The Finance Committee recommended the article. The Board of Selectmen recommended the

article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 14. The Town Manager explained that this is the Town's yearly capital planning article. These are long term items that purchased for departments separately from the operational budget. He went over the various items. The Police are replacing five cruisers. They are also adding on a lighted canopy to the current gas pumps that service all Town vehicles. The Fire is replacing an eight year old car with 150,000 miles on it. Is replacing the Engine 4 pumper engine. Have to order now will be available in 2005 or 2006. (This is the Town's share for purchasing the UHF radio system.) It was a much larger amount but grants were available and this is the balance. The Cemetery is replacing a 40,000 mile dump truck. The Cemetery Trust fund is paying for the truck this will reimburse the fund. The DPW is working on drainage projects in conjunction with the ongoing sewer project. Some of the areas are Brick Kiln Rd, Dunstable Rd, Westford Rd. Chapter 90 monies will also be used. Will replace a 1994 Ford truck, currently being used by the Parks Division. The Superintendent's 1995 vehicle has 120,000 miles on it. This will go to Community Development for their use. The carpet in the Senior Center needs to be replaced. The School Department requires various items in order to continue the investment in the elementary schools. And a school wide technology system is to be installed. Liz Marshall questioned if the Manager has looked into replacing these various vehicles with economically favored fuel models. He said that this has been looked at. Some of the requirements for proposed use does require heavy duty off road driving. Where savings can be done it will be. Brian Latina wanted to know how many vehicles are there in the Town's fleet? There are between 65-70 vehicles. Linda Fall questioned the technology system amount. Bruce Forrester Director of Technology for the School Department explained that this will be over a three year period. It is to replace the current 8 year old Apple Computer system being used and maintain on the elementary school level. The rest of the school system uses Windows. By replacing the Apple system and having the entire School system on the window system the students will learn the window system from the beginning. This will allow him to free up personnel who were strictly used to maintain the apple system. The middle school network system is being upgraded to increase the speed.
The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously. The article reads as follows:

Town Manager Bernard F. Lynch moved that the Town appropriate $2,585,000 for the following capital projects:

Police	
Police Cruisers	$159,000
Gas Pump Canopy	$25,000
Fire	
Staff Vehicle	$31,000
Engine 4 Replacement	$280,000
UHF Radio System	$30,000
Cemetery	

Dump Truck	$35,000
DPW	
Drainage Projects	$100,000
Road Maintenance	$200,000
One Ton Dump Truck	$45,000
6 Wheel Dump Truck	$91,000
Superintendent Vehicle	$32,000
Council on Aging	
Carpet Replacement	$27,000
Health	
Staff Vehicle	$25,000
Byam School	
Window Replacement	$275,000
Generator	$65,000
Harrington	
Roof and Exhaust Fans	$375,000
Window Replacement	$275,000
Westlands	
Window Replacement	$225,000
System Wide	
Technology	$290,000

and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow $2,585,000 under Massachusetts General Laws Chapter 44, Sections 7 and 8 or any other enabling authority to fund these obligations.

Under Article 15. Town Manager Bernard F. Lynch moved to withdraw this article. He explained that had the School vote gone a different way on April 6th, there would have been a different Capital Planning Budget presented rather then the one that just passed. The Moderator asked for a vote by way of a show of hands. Motion carried, unanimously.

Under Article 16. Selectman Michael McCall moved that the Town transfer $18,000 from the sale of the Graves and Lots to the Cemetery Improvement and Development Fund.

The Manager explained that this is an annual article. . The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 17. Town Manager Bernard F. Lynch moved that the Town transfer $ 10,000 from Overlay Surplus to fund costs associated with the conversion to an in-house payroll system, transfer $25,000 from Overlay Surplus to fund the acquisition of Opticom equipment for Fire Department vehicles and apparatus, this is equipment

needed to control traffic lights when there is an emergency. And transfer $3,000 from the unexpended funds of Article 9 of the October 19, 1998 Annual Town Meeting, $1,167 from the unexpended funds of Article 18 of the October 16, 2000 Annual Town Meeting, $10,000 from the unexpended funds of Article 21 of the May 3, 2001 Annual Town Meeting, and $10,000 from the unexpended funds of Article 11 of the October 21, 2002 Annual Town Meeting, with said funds totaling $24, 167 to be used for engineering costs associated with the acquisition of easements for the Central Square project.

The Manager said that the $10,000 transfer from the Overlay Surplus is the result of a vote taken recently by the Board of Assessors on April 15, 2004. The amount of $25,000 is from the balance of the Overlay Surplus which the Assessors voted in October of 2003. He further explained that the Town's payroll system was to come online beginning this year on April 1st. Due to the fact that this has not yet happened, the Town must pay roughly $10,000 to the out side vendor currently doing the payroll to continue the process until July 1st. Mark Conners wanted to know what was the reason for the additional cost of the Central Square project. The Manager said that it involves a traffic light and telephone pole. The wires have to be moved and the light tied in before the signalization can begin. This requires engineering costs in order to accomplish this. Brian Latina questioned why the Town was doing their payroll in house. The Manager explained that in the past it was found that a vendor could perform this duty in a cost efficient way for the Town. Now due to the technology available and by using the present staff it has been determined that the Town can now do their own payroll at a lesser cost. . The Finance Committee recommended the article. Sam Chase Chairman of the Finance Committee went on further to say that at first there was concerns about releasing money from the overlay account. However, the Committee was satisfied with the Managers explanation of the intended uses. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried.

Under Article 18. Town Manager Bernard F. Lynch moved that the Town transfer $50,000 from the Insurance Sinking Fund to the Insurance Special Revenue Account established in accordance with MGL C. 44, Section 53 in order to pay costs associated with a claim involving the Chelmsford Fire Department.

The Manager explained that years ago the Town had an Insurance Sinking Fund Commission; it is no longer in existence, however the account still exists. This transfer will pay for the medical expenses and lost time to certain employees on the Fire Department who were involved in a car accident in Vinal Square last year. The Town had collected $12,000 in damages and this will pay the balance. . The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 19. Town Manager Bernard F. Lynch moved that the Town accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws establishing sewer service as an enterprise fund effective fiscal year 2006.

The Manager explained that once the Sewer project is complete the monies that were going toward that project will go into an Enterprise Fund. It will be a public

enterprise which will be used to solely for the operation of the sewer system of the Town. It will be separate from the General fund. David McLachlan questioned if the Town Meeting Representatives would be able to vote on the amount of money to be transferred into this fund. Yes they would. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried.

Under Article 20. The Manager explained that this was for an easement, which is no longer needed, for a traffic light at RT 129 and Golden Cove Rd. He requested that it need be withdrawn at this time. The Moderator asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 21. Dwight Hayward moved that the Moderator waive the reading of the warrant article. The Moderator asked for a vote by way of a show of hands, motion carried, unanimously. The Manager explained that Wiggin Street was finally built out and now meets Starlight Ave. These streets met the Town's requirements for acceptance. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously. The article reads as follows:

Selectman Stuart G. Weisfeldt moved that the Town accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Wiggin Street and Starlight Avenue

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and I move that the Town authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and I move that the Town raise and appropriate $1 to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and I move that the Town authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto.

Under Article 22. Dwight Hayward moved that the Moderator waive the reading of the warrant article. The Moderator asked for a vote by way of a show of hands, motion carried, unanimously. Robert Morse, Chairman of the Community Preservation Committee explained that the funding comes from a ½ % property tax surcharge by the Registry of Deeds. It runs about $13.00 per year per property. In FY/03 the State match of $168,950 was received. He then went over last year's projects that this fund contributed to and said that this article is the Committee's recommendation for this fiscal year. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion.

Hearing none, he asked for a vote by way of a show of hands, motion carried. The article reads as follows:

Selectman Michael McCall moved that the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2005 Community Preservation budget and to appropriate from the Community Preservation Fund:

> $10,000 (2.5% of the estimated FY2005 revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2005;

and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee:

> $40,000 (10% of the estimated FY2005 revenues) for the acquisition, creation and preservation of open space excluding land for recreational use.
>
> $40,000 (10% of the estimated FY2005 revenues) for acquisition and preservation of historic resources; and
>
> $40,000 (10% of the estimated FY2005 revenues) for the creation, preservation and support of community housing.
>
> $273,676 (67.5% of the estimated FY2005 revenues) for the Community Preservation Fund FY2005 Budgeted Reserve.

All other monies in the Community Preservation Fund shall remain undesignated until further recommendation by the Community Preservation Committee and action thereon by the Town Meeting.

Under Article 23. Michael McCall moved that the Town ppropriate $40,000 from the Community Preservation Fund Community Housing Reserve, for use by the Chelmsford Housing Authority for the purpose of "buying down" to an affordable rate, a unit of housing at the Courtyard on Littleton Road.

Robert Morse explained that this is an ongoing article. When these affordable units were sold in the past they slipped by and were sold for a higher amount then what was considered affordable. This will bring the unit back down to an affordable sale. Now when a sale is made, a clause is included on the deed which requires that the property be sold as affordable housing. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously.

Under Article 24. Town Manager Bernard F. Lynch moved to refer for further study. More time is needed to study the language of the Charter and outlying the roles and relationships. The Motion carried unanimously. The article read as follows:

To see if the Town will vote to amend Section 4-3 (h) of the Town Charter to read as follows:

(h) to be responsible for the rental, use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee. **With respect to those Town facilities under the jurisdiction of the school committee, the Town Manager in consultation with the Superintendent of Schools, shall be responsible for the rental, use, maintenance and repair of such school facilities.**

; and further to amend the Town Charter as follows,

1. Abolish the Cemetery Commission by deleting Section 3-8 which currently reads:
   (a) Composition, Term of Office
   There shall be a cemetery commission composed of three members elected for terms of three years, so arranged that the term of one member expires each year.
   (b) Powers and Duties
   The cemetery commission shall have sole care, superintendence and management of all burial grounds of the Town. The cemetery commission shall have all the powers and duties given to cemetery commissions by the laws of the Commonwealth, the charter, bylaw or other town meeting vote.
2. Renumber Sections 3-9,3-10,3-11 and 3-12 as Sections 3-8, 3-9,3-10 and 3-11 respectively. The reference to Section 3-9 in Section 8-5(k) is hereby changed to 3-8.
3. Amend Section 5-2 to read as follows:
   Section 5-2. Department of Public Works.

   Until such time as otherwise provided in accordance with section 5-1, there shall be established a department of public works under the direction of the town manager. The town manager shall appoint a director of public works who shall be a person especially suited by education, training and previous experience to perform the duties of the office. The director shall be responsible for the supervision and coordination of all public works operations of the town that are placed under control of the director by this charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the department of public works: highway, engineering, recreation, public buildings, parks, **cemeteries,** and tree warden. **The town manager shall appoint a board of cemetery advisors, consisting of three members, which shall be responsible for advising the town manager and the director regarding the operation and maintenance of town cemeteries, and the expenditure of gifts and bequests for cemetery maintenance.** There shall also be a sewer division which shall operate each sewer line, or sewer system at the time that the sewer line or sewer system is completed and becomes operational.
4. Amend Section 8-5 Time of Taking Effect by adding a new subsection (v) to read as follows:

(v) Upon the adoption of the Charter amendment abolishing the Cemetery Commission, the incumbent members of the Cemetery Commission shall be deemed to have vacated their office.

Under Article 25. Dwight Hayward requested that the reading of the article be waived. The Moderator asked for a show of hands on the motion. Motion carried, unanimously. The Moderator then explained that because the wording of "or act in relation thereto was missing from the article and the motion, no amendments can be made to this article. It stands alone, the choice is to accept it or vote it down. Linda Prescott, Chairman of the Historic Commission explained the article. She first thanked the Town for their patience in regards to the moving of the historic house on Boston Road to it's new location on Garrison Road, on the Garrison House property. There will be an open house on May 9th and the public is invited to attend. The intention of this article is to save houses or structures in the Town before they are demolished, or at least give the Commission time to make necessary documentation of the structures in question. There are certain criteria's that must be met before a house is considered significant. If these are met there is a 12 month wait before demolition can take place. A public hearing would be held and if it is deemed to be a public interest then the steps mentioned in the by-law will take place. Currently there are no real guidelines regarding demolition of buildings. Permits are issued and the Commission is notified and if arrangements can be made for the Commission to get inside and take pictures etc fine, if not the house is demolished. There are no fines for demolishing a house without a permit. This by-law would enable the Commission to seek alternate routes if necessary and gain much needed time for access into the property for taking pictures and making documentations prior to any demolishing. Questions were asked concerning the age of a house being only fifty years old and being considered historic. Linda Prescott said that this may not apply to homes built in the 50's today, but down the road they may be consider significant and have a historic value. Some Representatives expressed concerns on having to disclose this type of by-law for their property when the time came for selling it. The Finance Committee did not recommend the article. The Board of Selectmen did not recommend the article. A lengthy discussion took place. Jeffrey Stallard a member of the Commission asked for support of the article. He understands the concerns and if the article doesn't pass then please let the Commissioners know why so they can work at bringing another article that will met the requirements of the Body. Once a building is gone it's gone along with it's past. James Dolan moved the question which stopped debate. The Moderator asked for a show of hands on the motion to stop debate. Motion carried, unanimously. The Moderator asked for a show of hands on the article. Motion defeated. The article read as follows:

To see if the Town will vote to amend the General Bylaws Chapter 16, Demolition of Buildings, by deleting the following sections:

§ 16.2 Review by Historical Commission and Historic District Commission

A. When an application for a permit for the demolition of a building in whole or in part that is 100 years of age or older is made to the Building Inspector, the applicant shall also furnish a copy of the request to the Chelmsford Historical Commission, and if said building is within the boundaries of the Chelmsford

Historic District(s) a copy of the request shall also be furnished to the Chelmsford Historic District Commission.

B. The Chelmsford Historical Commission shall submit written recommendations to the Building Inspector and the Historic District Commission, if applicable, within 14 days of the receipt of an application for a permit to demolish any building in whole or in part that is 100 years or older. The Commission shall base its recommendations upon its review of the historical, archaeological, architectural and/or cultural significance of the structure involved. If the Historical Commission does not submit a written recommendation to the Building Inspector and the Historic District Commission when applicable as provided above, it shall be deemed to have approved the application for a permit.

C. Notwithstanding anything contained in this chapter to the contrary, the powers and duties of the Chelmsford Historic District Commission as established under M.G.L. c. 40C, as amended by Chapter 68, Historic District, of the Code of the Town of Chelmsford, shall not be amended by this chapter.

§ 16.3 Violations and penalties.

Any violation of this chapter shall be punishable by a fine of $200.

And replace with the following:

§ 16.2 Demolition Delay for Review by Historic Commission.

A. Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes, monuments, and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permits applications. The issuance of demolition permits is regulated as provided by this by-law.

B. Definitions

APPLICANT- Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION- An application for the demolition of a building.

BUILDING- Any combination of materials forming a shelter for persons, animals, or property.
BUILDING INSPECTOR- The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.
COMMISSION- The Chelmsford Historical Commission.
DEMOLITION- Any act of pulling down, destroying, removing, dismantling, razing or relocating 25 % or more of a building, streetscape, monument, or neighborhood and commencing the work of total or substantial destruction with the intent of completing the same.
DEMOLITION PERMIT- The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.
PREFERABLY PRESERVED- Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve-month demolition delay period of this bylaw.
SIGNIFICANT BUILDING- Any building within the Town which is in whole or in part fifty years or more old and which has been determined by the Commission to be significant based on any of the following criteria:

- The Building is listed on, or is within an area listed on, the National Register of Historic Places; or
- The Building has been found eligible for the National Register of Historic Places, or
- The Building has been found eligible for the State Register of Historic Places, or
- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

C. Procedure

No demolition permit for a building which is in whole or in part fifty years or more old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 75 years old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the Building Inspector an application containing the following information.

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the propose re-use, reconstruction or replacement.
- A photograph or photograph(s) of the building.

The Building Inspector shall within seven days forward a copy of the application to the Commission. The Commission shall within 65 days after the receipt of the application, make a written determination of whether the building is significant.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector within 65 days of receipt of the application, the Inspector may proceed to issue the demolition permit

If the Commission finds that the building is significant, it shall hold a public hearing within 30 days of the written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of the said hearing and the applicant and the building inspector shall be notified in writing of the meeting time and place.

The Commission shall decide at the public hearing or within fourteen days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector in writing within twenty one days of the public hearing, the Building inspector may issue the demolition permit.

Upon determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission.

After the expiration of the twelve month period no permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building inspector and have been found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must

be concluded, prior to the issuance of a demolition permit under this section.

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The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the twelve months if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the twelve month delay period, the Building Inspector may issue the demolition permit.

D. Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms this of this bylaw.

The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

E. Emergency Demolition

If after an inspection, the Building Inspector finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue, with the approval of the Historical Commission, an emergency demolition permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

F. Enforcement and Remedies

The Commission and/the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law and equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violated thereof.

Any owner of a building subject to this bylaw who demolished the building without first obtaining a demolition permit in accordance with the provisions of the bylaw shall be subject to a fine of not more than $300.00. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of three years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission.

G. Historic Act

Following a determination that the building is significantly and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local district.

Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C; or the powers and duties of the Chelmsford Historic District Commission as established under MGL c. 40C, as amended by Chapter 68 Historic District, of the Code of the Town of Chelmsford. If any of the provisions of the bylaw do so conflict, that act shall prevail.

H. Severability

In the event any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

§ 16.3 Violations and penalties.

Unless otherwise provided within this chapter, any violation of the provisions of this chapter shall be punishable by a fine of $200.

Under Article 26. The Moderator said that the motion was not signed for this article. Therefore it was being dismissed. The article read as follows:

To see if the Town will vote to amend the zoning by-law and zoning map of the Town of Chelmsford to change from an RB to RC the property located at 81 Groton Road, as shown on the zoning map, or act in relation thereto.

Under Article 27 Dwight Hayward moved to waive the reading of the article. The Moderator asked for a vote by way of a show of hands. Motion carried, unanimously. The Town Manager explained that this article was adding updated information to the present by-law. It is mostly dates and sections of the law. He asked that the Body support the by-law. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Christopher Garraghan, Chairman of the Planning Board read the Boards recommendation. The Chelmsford Planning Board held a public hearing on March 10, 2004 at 7:45 Pm on the above mentioned article after publishing a legal notice in the Lowell Sun on February 19 and 16, 2004. Notice of the hearing was sent accordingly to the requirements of MA General Laws, chapter 40A, Section 5. The Planning Board unanimously recommends in favor of adoption of the proposed Zoning by-law amendment. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, motion carried, unanimously. The article reads as follows:

Planning Board Member Charles Wojtas moved that the Town vote to amend the Chelmsford Zoning Bylaw, Article XV, Floodplain District, as follows:

Deleted language
Inserted new language (in bold)

ARTICLE XV
Floodplain District

Amend section S. 195-77. Overlay district; boundaries:

The Floodplain District and Floodway District is herein established as an overlay district. The underlying permitted uses are allowed, provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District and Floodway District includes all special flood hazard areas designated on the National Flood Insurance Program, FIRM Flood Insurance Rate Map, Town of Chelmsford, Massachusetts, Middlesex County, Community Number 250188, Panel Numbers 0001C through 0013C, dated (**Delete** June 4, 2002,) **insert January 16, 2004,** or as amended, on file with the Town Clerk, Planning Board, Inspector of Buildings, and Conservation Commission. These maps, as well as the accompanying Flood Insurance Study (FIS), dated (**Delete** June 4, 2002,) **insert January 16, 2004,** or as amended, are incorporated herein by reference.

Amend section S. 195-78. Base flood elevation and floodway data:

(insert the following section:)
A. Floodway data. In Zone A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(insert the letter B.)
B. Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.

C. NFIP State Coordinator, Massachusetts Office of Water Resources,(**Delete** 100 Cambridge Street, Boston, MA 02202) **insert 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104**.

D. NFIP Program Specialist, FEMA Region I, (**Delete** Room 462, J.W. McCormack Post Office and Courthouse, Boston, MA 02109) **insert 99 High Street, 6th Floor, Boston, MA 02110**.

Amend section S. 195-80. Use regulations:

(1) Section of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas (currently 780

CMR **(Delete** 2102.0) **insert 3107.0**, Flood Resistant Construction).

(3) Inland Wetlands Restriction, Department of Environmental Protection (currently **(Delete** 302 CMR 6.00) **insert 310 CMR 13.00**).

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The Moderator announced that there is a Special Town Meeting Scheduled for 8:00 PM on Thursday April 29th. He also reminded the Representatives that the Fall Town Meeting will be held on Monday October 18th.

Selectman Philip Eliopoulos moved that the Town Meeting be adjourned. Motion carried, unanimously. The meeting adjourned at 11:00 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

SPECIAL TOWN MEETING
April 29, 2004

The Special Town Meeting was called to order at 8:05 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. There were 129 Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions.

Selectman Stuart G. Weisfeldt moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. Motion carried, unanimously. Selectman Stuart G. Weisfeldt moved that the reading of the entire warrant be waived. Motion carried, unanimously.

Bernard F. Lynch, Town Manager came forward and thanked the Town Meeting Body for their attendance. When the need arise to call for a Special Town Meeting due to posting requirements, the solution was to have it on what would be the second night of the Annual Town Meeting. Unfortunately the Annual Town Meeting process was completed in one session this past Monday night, so he appreciated the Representatives returning for a second night. He then went on and discussed the purpose of article 1.

Under Article 1 The Manager explained that the new health care provider was level funded in the FY/04 budget. This resulted in a shortfall, primarily due to layoffs in the private sector. If the individuals spouse is a Town Employee, they have the opportunity to join the Towns health plan.. This past fiscal year there were sixty-four new clients. In order to meet the added expense, the Assessors voted on April 15th to release money from the overlay surplus to cover the overage. This issue will be addressed in FY/ 05. Health Insurance is a problem for all towns not just Chelmsford. He asked that the Body support the article. The Moderator asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear any debate. Hearing none he asked for a vote by way of a show of hands. Motion carried, unanimously. The Article reads as follows:

Bernard F. Lynch, Town Manager moved that the Town vote to amend the fiscal year 2004 operating budget under Article 12 of the Annual Town Meeting held on April 28, 2003 as follows:

Increase Line Item #16, Undistributed, by $490,000 from Overlay Surplus to defray such charges.

Seeing that there was no further business at hand the Moderator declared the meeting adjourn sine die. Motion carried, unanimously. The meeting adjourned at 8:15 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

WARRANT FOR ANNUAL
TOWN MEETING JUNE 30, 2004

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Wednesday, the thirtieth of June, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote:

(1) Whereas, Town Meeting declares that action under this warrant article constitutes an emergency measure under 2-13 of the Town Charter necessary for the immediate preservation of peace, health, safety or convenience of the Town;

(2) to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of the parcel of land in the vicinity of Jordan Road which is described below, now or formerly owned by Boston and Maine Corporation upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, for general municipal purposes, said parcel of land being described as follows:

The parcels of land shown on a plan entitled "Land Sale Plan Chelmsford, MA", dated 4/1/04, scale 1"=200', a copy of which is on file with the Town Clerk's Office; and

(3) to raise, appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or take any other action relative thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to transfer the care, custody and control of all or a portion of a parcel of town owned land that was formerly held by the Chelmsford School Department, which is located on Chelmsford Street in the Town of Chelmsford, shown as Assessor's Map 73, Block 289, Lot 5 and described in the deed recorded with the Middlesex North District Registry of Deeds in Book 723, Page 297, currently held by Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to convey, subject to G.L.c. 30B, a fee simple interest or less in all or a portion of said land upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, or take any other action relative thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 3. To see if the Town will vote to amend the Fiscal Year 2004 operating budget under Article 12 of the Annual Town Meeting held on April 28, 2003 as amended by Article 7 of the Annual Town Meeting held on October 20, 2003 as follows:

Decrease Line Item # 6, Public Safety Expenses, by a certain sum.

Increase Line Item #5, Public Safety Salaries, by a certain sum;

or act in relation thereto.

SUBMITTED BY: **Town Manager**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 16th day of June, 2004.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Stuart G. Weisfeldt, Chairman

Philip M. Eliopoulos, Vice Chairman

Thomas A. Newcomb, Clerk

Michael F. McCall

William F. Dalton

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of June 30, 2004:

Thursday, July 1, 2004 at 7:30 p.m.

Tuesday, July 6, 2004 at 7:30 p.m.

Thursday, July 8, 2004 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. 6-16, 2004

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence, Constable

SPECIAL TOWN MEETING
June 30, 2004

The Special Town Meeting was called to order at 7:35 PM at the Senior Center on Groton Road. The Moderator Dennis E. McHugh, announced that those wishing to participate in the Pledge of Allegiance to please rise. He then asked for a moment of silence in honor of Henry (Hank) McEnaney, who had passed away. He was a former Water Commissioner for North Chelmsford Water, former Town Meeting Representative for Precinct 2, and past member of the Conservation Commission. The Moderator then recognized the presence of a quorum. There were 132 Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting regarding amending motions and discussions.

Selectman Stuart Weisfeldt moved that the reading of the Constable's return of the Town Meeting warrant be waived. Motion carried, unanimously. Selectman Stuart Weisfeldt moved that the reading of the entire warrant be waived. Motion carried, unanimously. The Moderator then made two announcements regarding trash pick up and that the Fall Town Meeting is October 18th.

The Town Manager Bernard Lynch then requested that Article 3 be taken out of order and be acted upon before the other two articles. The Moderator asked for a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 3 Town Manger Bernard F. Lynch moved that the Town vote to amend the Fiscal Year 2004 operating budget under Article 12 of the Annual Town Meeting held on April 28, 2003 as amended by Article 7 of the Annual Town Meeting held on October 20, 2003 as follows:

Decrease Line Item # 6, Public Safety Expenses, by $15,000

Increase Line Item #5, Public Safety Salaries, by $15,000

The Manager explained that this article was the purpose of calling the Special Town Meeting. Under the FY04 budget, the Public Safety Salaries line item has a $15,000 shortfall. However, the money is available under the Public Safety Expense line item. A transfer can be made, but it requires a Town Meeting vote. This is a housekeeping article. He asked the Body to support it. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion. Hearing none, he asked for a vote by way of a show of hands. **The motion carried, unanimously**

The Moderator returned to Article 1 and began to read it. Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a show of hands, **motion carried, unanimously**

UNDER ARTICLE 1 The Town Manager explained that this article and the next are part of the same discussion. This is a parcel of land which has a total acreage of 4.76. It is located next to the current Strawberry Field which was designated as a Park in 1874. The Massachusetts Bay Transit Authority c/o B & M Railroad currently owns the property. The Town has the right of first refusal which is an opportunity to purchase this parcel. A developer has made it known that he is also interested in purchasing the land, if the Town doesn't. Once subdivided there

could be three with a possibility of four homes being built on the site. The Town felt that this was an opportunity to improve the softball fields at McFarlin Field and the current parking situation at Strawberry Field. He presented a viewgraph outlining his proposal. Currently there are two small softball fields at McFarlin Field. There is neither parking nor any real seating area available for viewing the games. His proposal was to create two more softball fields at Strawberry Field, and add additional parking for 108 cars. His plan is to preserve as many of the trees possible, which would cut the noise and preserve the privacy for the neighbors. If houses are built, the area would become wide open and privacy would be lost. The plan is for the Town to purchase the parcel for $390,000, and pay $250,000 in costs for the building of the two fields and additional parking. In order to do this the two McFarlin fields at the corner of Chelmsford St and Wilson St (article 2) would be sold. He has estimated that the Town would receive anywhere from $700,000 to 1 million dollars for this prime land. It could generate up to $30,000 in property tax where currently there are no taxes being paid, and it would add to the enhancement of the improvement plan for the development of Chelmsford Center. He has no particular person in mind regarding the purchase of the property, however interest has been expressed. It would go through the States Law bidding process if and when the time came. Any money left over from the two articles would be put into the Stabilization Fund for funding capital projects. He further explained that the Town was not notified of the right of first refusal until April 24th, Then on May 20th the Town was notified by the railroad that they could purchase the land for $279,000. On June 1st when the P & S agreement was drawn up it was increased to $375.000 and the Town had until July 15th to purchase the property. The Town wanted to survey the land and draw up basic plans for the proposal before posting a warrant. There is a time period which must be followed when calling a Special Town Meeting which is why it was such a tight schedule. The Manager said the Town doesn't want to slight a neighborhood. He would be willing to work with the residents in the Strawberry Field location regarding traffic. There would be no night games, no lights. This plan would befit the entire community. The McFarlin Field location is a gateway into the Town's Center. It would be a much nicer looking area then what currently exists. The Town would have to come back and get the Body's approval when it came time to re-zone the property. There would be covenants in place so that there would be a green space area within the parcel for public access. The parcel is not big enough for any future building that the Town may have to do; better benefit is to sell it.

The floor was open for questions. Bernard Ready felt that in order for this article to go forward, article 2 should be taken out of order and voted. He moved to table article 1 and bring up article 2, then if article 2 passes article 1 will be removed from the table and further discussion can take place. The Moderator asked for a show of hands on the motion to table article 1. This left the Chair in doubt. The following tellers came forward and conducted a hand count:

Dorothy Frawley, John Maleski, Lucy Simonian, Kathy Weeks. The result: Yes 51 No 73, **motion defeated.**

Back to discussion; numerous questions were asked by the Representatives regarding the trees, proposed parking lot material, water wells, and the need for policing the area. It was asked if this land could be purchased through the Community Preservation Act. The Manager explained that the Committee already has a proposed list of lands that would be purchased if and when the time comes. Its intent is to purchase large tracks of land when they become available, 4.76 acres doesn't meet their guidelines. Who would draw up the covenants? Town Counsel John Georgio explained that the Board of Selectmen would draw them up, however the Town Meeting Body could specify more during the rezoning process if they so desired. Thomas Fall asked if the Housing Authority had been contacted and did they have any interest in the McFarlin Field. The Manager replied that the CHA

had been contacted and there was no interest. Daniel Simard Director of the Girls Softball League said that the League was definitely in support of more fields. Scott Johnson asked if the Town Manager had spoken with the School Superintendent regarding the development of softball fields on various schools property. To his knowledge as Director of Community Services there is space available for development. Barry Balan attempted to move the question and to stop debate. The Moderator ruled his motion out of order. Questions continued. Alan Cote questioned the actual amount of homes being built and asked if there was a law suit concerning the land. The Manager didn't know exactly how many homes and he wasn't aware of any law suit. Steve Flynn questioned the condition of Jordan and Crooked Spring Roads. Were there any future plans for widening these roads if this article passes? No, there was not. Marian Paresky questioned the wording of municipal purpose use, would this keep the land as open space, which is what she wants the use to be. She doesn't want any type of development on it. She keeps hearing the word ball fields being developed on it. The Manager explained that this article is to allow the purchasing of the land. The Town's intention is to use it as a ball field, which is considered open space. Marian Paresky questioned if this passes tonight would another future article be required to develop it or should she amend the article to include the word open space after the word municipal use. Town Counsel John Georgio explained that municipal purpose does in fact mean open space, and he would not recommend that the amendment be done. If at a future Town Meeting an article comes before the body to appropriate money to pay for the development of ball fields on that site and doesn't pass then the land will remain undeveloped and considered open space. Gerald Lotto wanted to know about the drop area and the effect on erosion control. James Comeau questioned the elevation of the proposed field. The Moderator asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. A very lengthy debate took place. Bruce Magnell a direct abutter to the property gave a history of the neighborhood and read a lengthy description expressing the concerns and criticisms of the neighborhood. The intended use was that of a park, not a baseball park use. Patricia Magnell said she had a letter from the developer who stated that no 40B project was going to be proposed for the site. And only three homes would be built each lot will have 60,000 sq ft. George Merrill expressed concerns regarding the protection of the aquifer, felt that the Town should buy the land but keep it open, do not develop anything on it. Gerald Lotto expressed concerns about the speed of travel on Crooked Spring and Jordan Roads. More discussion took place regarding the lack of sidewalks, noise, trash and traffic that the present baseball field brings into the neighborhood. Sam Poulten moved to amend the article by striking the words "for general municipal purpose" and substitute the words "as unimproved open space". Town Counsel John Georgio ruled that this motion was out of scoop with the article. Others spoke against the article. Michael McCall spoke in favor of the article. Thomas Newcomb spoke in favor said it was a good opportunity for the Town to make the purchase. Barry Balan moved the question to stop debate. The Moderator asked for a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law. He then asked for a vote on the article as presented, by way a show of hands. A 2/3's vote is required, the Chair was in doubt and the tellers came forward to take a hand count. Yes 64 No 54 2/3's is 74 **motion defeated**.

The article read as follows:

Whereas, Town Meeting declares that action under this warrant article constitutes an emergency measure under 2-13 of the Town Charter necessary for the immediate preservation of peace, health, safety or convenience of the Town;

Selectman Stuart Weisfeldt moved to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in

all or a portion of the parcel of land in the vicinity of Jordan Road which is described below, now or formerly owned by Boston and Maine Corporation upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, for general municipal purposes, said parcel of land being described as follows:

The parcels of land shown on a plan entitled "Land Sale Plan Chelmsford, MA", dated 4/1/04, scale 1"=200', a copy of which is on file with the Town Clerk's Office; and

Furthermore to appropriate the sum of $390,000 for this purpose and any expenses related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow $390,000 pursuant to General Laws c. 44, sections 7 and 8, or any other enabling authority, and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition.

The Town Manager spoke to the Body and explained that even though the article was defeated he felt that the McFarlin Fields should still be sold and he would return with an article perhaps at the Fall Town Meeting and present a detailed plan to the Representatives. Due to Article 1 being dismissed he asked that article 2 be withdrawn. The Moderator asked for a show of hands, **motion carried, uninamously.** The article reads as follows.

ARTICLE 2 Selectman Stuart Weisfeldt moved that the Town vote to transfer the care, custody and control of all or a portion of a parcel of town owned land that was formerly held by the Chelmsford School Department, which is located on Chelmsford Street in the Town of Chelmsford, shown as Assessor's Map 73, Block 289, Lot 5 and described in the deed recorded with the Middlesex North District Registry of Deeds in Book 723, Page 297, currently held by Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to convey, subject to G.L.c. 30B, a fee simple interest or less in all or a portion of said land upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, and to direct the Town Manager, in preparing the town financial plan for future fiscal years, to recommend that the proceeds from the sale of such parcel be appropriated to pay the acquisition costs of the land described in Article 1, including the development of playing fields.

Seeing that there was no further business at hand the Moderator declared the meeting adjourn sine die. Motion carried, unanimously. The meeting adjourned at 10:30 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin, Secretary of the Commonwealth

WARRANT FOR STATE PRIMARY

SS. MIDDLESEX

To either of the Constables of the Town of Chelmsford

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at:

Precinct 1	Town Office Building Gym, 50 Billerica Road
Precinct 2	Harrington School Gym, 120 Richardson Road
Precinct 3	Harrington School Gym, 120 Richardson Road
Precinct 4	Westlands School Café, 170 Dalton Road
Precinct 5	Byam School Café, 25 Maple Road
Precinct 6	Westlands School Café, 170 Dalton Road
Precinct 7	McCarthy Middle School Little Gym, 250 North Road
Precinct 8	McCarthy Middle School Little Gym, 250 North Road
Precinct 9	Town Office Building Gym, 50 Billerica Road

On **TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER 2004,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primary for the candidates of political parties for the following offices:

REPRESENTATIVE IN CONGRESS.....	Fifth Congressional District
COUNCILLOR.....	Third Councillor District
SENATOR IN GENERAL COURT.....	3RD Middlesex Senatorial District
REPRESENTATIVE IN GENERAL COURT (Pcts. 3, 5 & 7)	2nd Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pcts. 1 & 9)	14th Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pcts. 2, 6 & 8)	16th Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pct. 4).....	17th Middlesex District
SHERIFF.....	Middlesex County

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting. Given under our hands this 23rd day of August 2004.

Selectmen of Chelmsford

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

AUG 24 2004
Date

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

Town of Chelmsford
Democratic Primary Sept 14, 2004

REP IN CONGRESS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	20	19	33	31	12	32	30	32	26	**235**
MARTIN T MEEHAN	81	68	79	138	70	157	87	113	74	**867**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	3	0	3	1	1	2	3	4	1	**18**
TOTAL	**104**	**87**	**115**	**170**	**83**	**191**	**120**	**149**	**101**	**1,120**

COUNCILLOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	31	31	41	55	27	50	50	45	37	**367**
M.M. PETITTO DEVANEY	72	56	74	114	56	140	69	104	64	**749**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	1	0	0	1	0	1	1	0	0	**4**
TOTAL	**104**	**87**	**115**	**170**	**83**	**191**	**120**	**149**	**101**	**1,120**

SENATOR IN GENERAL COURT	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	19	28	28	42	15	50	31	35	30	**278**
SUSAN C FARGO	84	59	87	126	66	140	86	113	70	**831**
JOHN THIBAULT	0	0	0	0	1	0	1	0	1	**3**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	1	0	0	2	1	1	2	1	0	**8**
TOTAL	**104**	**87**	**115**	**170**	**83**	**191**	**120**	**149**	**101**	**1,120**

Democratic Primary Sept 14, 2004

REP. IN GENERAL COURT 1,9	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	18	0	0	0	0	0	0	0	27	**45**
CORY ATKINS	85	0	0	0	0	0	0	0	74	**159**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	1	0	0	0	0	0	0	0	0	**1**
TOTAL	**104**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**101**	**205**

REP. IN GENERAL COURT 2,6,8	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	20	0	0	0	33	0	25	0	**78**
THOMAS A GOLDEN, JR	0	67	0	0	0	158	0	124	0	**349**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**0**	**87**	**0**	**0**	**0**	**191**	**0**	**149**	**0**	**427**

REP. IN GENERAL COURT 3,5,7	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	24	0	16	0	34	0	0	**74**
GEOFFREY D HALL	0	0	91	0	65	0	85	0	0	**241**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	2	0	1	0	0	**3**
TOTAL	**0**	**0**	**115**	**0**	**83**	**0**	**120**	**0**	**0**	**318**

Democratic Primary Sept 14, 2004

REP. IN GENERAL COURT 4	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	2	0	0	0	0	0	2
DAVID M NANGLE	0	0	0	96	0	0	0	0	0	96
KENNETH F SHEEHAN JR	0	0	0	72	0	0	0	0	0	72
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	0
TOTAL	**0**	**0**	**0**	**170**	**0**	**0**	**0**	**0**	**0**	**170**

SHERIFF	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	4	1	0	9	3	2	3	2	3	27
JAMES V DiPAOLA	37	16	21	52	27	48	27	45	16	289
ROBERT A DeMOURA	58	64	92	100	48	131	83	99	77	752
BRIAN M GILLIS	5	6	2	9	5	10	7	3	5	52
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	0
TOTAL	**104**	**87**	**115**	**170**	**83**	**191**	**120**	**149**	**101**	**1,120**

Republican Primary Sept 14, 2004

REP IN CONGRESS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	7	3	3	3	4	5	5	4	1	**35**
ILANA FREEDMAN	33	14	25	19	38	26	37	22	31	**245**
THOMAS P TIERNEY	27	14	11	13	24	40	24	25	29	**207**
MARTIN MEEHAN	0	0	0	0	2	0	0	0	0	**2**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**67**	**31**	**39**	**35**	**68**	**71**	**66**	**51**	**61**	**489**

COUNCILLOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	54	26	33	30	60	65	57	44	51	**420**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	13	5	6	5	8	6	9	7	10	**69**
TOTAL	**67**	**31**	**39**	**35**	**68**	**71**	**66**	**51**	**61**	**489**

SENATOR IN GENERAL COURT	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	5	3	6	2	2	6	4	4	1	**33**
JOHN C THIBAULT	61	27	33	33	66	64	62	47	60	**453**
RICHARD MCCLURE	1	0	0	0	0	1	0	0	0	**2**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	1	0	0	0	0	0	0	0	**1**
TOTAL	**67**	**31**	**39**	**35**	**68**	**71**	**66**	**51**	**61**	**489**

Republican Primary Sept 14, 2004

REP. IN GENERAL COURT 1,9	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	13	0	0	0	0	0	0	0	6	19
DOUGLAS STEVENSON	54	0	0	0	0	0	0	0	55	109
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	0
TOTAL	**67**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**61**	**128**

REP. IN GENERAL COURT 2,6,8	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	30	0	0	0	70	0	45	0	145
RICHARD MCCLURE	0	1	0	0	0	0	0	0	0	1
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	0	0	0	1	0	6	0	7
TOTAL	**0**	**31**	**0**	**0**	**0**	**71**	**0**	**51**	**0**	**153**

REP. IN GENERAL COURT 3,5,7	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	9	0	3	0	9	0	0	21
DENNIS J GALVIN	0	0	30	0	65	0	57	0	0	152
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	0
TOTAL	**0**	**0**	**39**	**0**	**68**	**0**	**66**	**0**	**0**	**173**

Republican Primary Sept 14, 2004

REP. IN GENERAL COURT 4	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	7	0	0	0	0	0	7
CLIFFORD R KRIEGER	0	0	0	28	0	0	0	0	0	28
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	0
TOTAL	**0**	**0**	**0**	**35**	**0**	**0**	**0**	**0**	**0**	**35**

SHERIFF	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	56	24	25	31	63	59	58	43	51	410
ROBERT A. DEMOURA	3	3	7	0	0	5	0	2	2	22
JAMES V. DIPAOLA	0	2	1	1	0	3	0	2	3	12
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	8	2	6	3	5	4	8	4	5	45
TOTAL	**67**	**31**	**39**	**35**	**68**	**71**	**66**	**51**	**61**	**489**

LIBERTARIAN STATE PRIMARY SEPTEMBER 14, 2004

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th Dist										
Blanks										
Martin Meehan **Write-In**		1								1
TOTAL	0	1	0	0	0	0	0	0	0	1
COUNCILLOR 3rd Dist										
Blanks		1								1
TOTAL	0	1	0	0	0	0	0	0	0	1
SEN IN GEN CT 3rd Mldsx										
Blanks		1								1
TOTAL	0	1	0	0	0	0	0	0	0	1
REP IN GEN CT										
Blanks		1								1
TOTAL	0	1	0	0	0	0	0	0	0	1
SHERRIF Mldsx Cty										
Blanks										
Robert Demoura **Write-In**		1								1
TOTAL	0	1	0	0	0	0	0	0	0	1

GREEN/RAINBOW STATE PRIMARY SEPTEMBER 14, 2004

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th Dist										
Blanks										
TOTAL	0	0	0	0	0	0	0	0	0	0
COUNCILLOR 3rd Dist										
Blanks										0
TOTAL	0	0	0	0	0	0	0	0	0	0
SEN IN GEN CT 3rd Mldsx										
Blanks										0
TOTAL	0	0	0	0	0	0	0	0	0	0
REP IN GEN CT										
Blanks										0
TOTAL	0	0	0	0	0	0	0	0	0	0
SHERRIF Mldsx Cty										
Blanks										
TOTAL	0	0	0	0	0	0	0	0	0	0

WARRANT FOR ANNUAL TOWN MEETING
OCTOBER 18, 2004

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the eighteenth of October, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to appropriate from Free Cash a certain sum of money to the Stabilization Fund; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Town Manager

ARTICLE 3. To see if the Town will vote to appropriate from available funds a certain sum of money to the School Department, said funding coming from Medicaid reimbursements; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Committee

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 5. To see if the Town will vote to transfer a certain sum of money from Special Revenue to the School Department, said funding coming from E-Rate reimbursements; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Committee

ARTICLE 6. To see if the Town will vote to amend the Fiscal Year 2005 operating budget under Article 9 of the Annual Town Meeting held on April 26, 2004 as follows:

Increase Line Item # 1 Municipal Administration Personnel
Increase Line Item # 5 Public Safety Personnel
Increase Line Item # 16 Undistributed

and that the Town raise and appropriate or transfer from available funds a certain sum to defray Town charges for the fiscal period July 1, 2004 to June 30, 2005; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund certain costs associated with the establishment of a consolidated town-wide maintenance department; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Superintendent

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department for the Fiscal Year 2005; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money to fund the Community Action program established under Article 12 of the April 29, 1996 Annual Meeting. The purpose of this program shall be to provide matching funds to commuity improvement projects undertaken by individuals and/or organizations within the Town of Chelmsford; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 10. To see if theTown will vote to authorize the Board of Selectmen to accept as a gift two parcels of land as shown on a plan entitled "Park Place Road" dated September 29, 2004 which is on file in the office of the Town Clerk; or act in relation threto.

SUBMITTED BY: **Town Manager**

ARTICLE 11. To see if the Town will vote to appropriate a certain sum of money for designing and constructing sewers, pump stations, and force mains for Phases 4F and 4G of the Sewer Project, including related legal, administrative and other pertinent expenses and the acquisition by purchase, eminent domain, or otherwise of all necessary easements and rights in land; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow funds under Massachusetts General Laws, Chapter 44, Section 8 (15); that the Sewer Commission is authorized to contract for and expend any federal, state or other aid available for the project as set forth above; that the betterments shall be assessed by the uniform unit method, that 100 percent of the project costs shall be paid through funds transferred from the Sewer Betterment Special Revenue Account; and that the Sewer Commission is authorized to take any other action necessary to carry out this project; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

ARTICLE 12. To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, High Street/Hunt Road – Phase 4F Sewers" dated September, 2004, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and to see if the Town will vote to raise and appropriate from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

ARTICLE 13. To see if the Town will vote to approve the Tax Increment Financing Agreement between the Town, and Hitite Microwave Corporation, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("20 Alpha Road Opportunity Area"), and to authorize the Town Manager to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 20 Alpha Road Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 14. To see if the Town will vote to authorize the Board of Selectmen to convey, subject to a restriction that no structure be built on the parcel, in accordance with Massachusetts General Law Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on Westland Avenue, shown as Lot 2 on Assessors's Map 52, Block 200 containing 4,500 s.f. more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2224, Page 376; or act in relation thereto

SUBMITTED BY: **Board of Selectmen**

ARTICLE 15. To see if the Town will vote to amend the Town Charter as follows:

A Charter Review Commission shall be established.

Said Commission shall be an elected standing committee of the Town.

The Commission shall consist of 7 members elected at large for a term of 3 years.

The Commission shall review the town Charter at least every ten years with the purpose of recommending changes, amendments and deletions as it finds necessary or advisable. It shall meet at least twice a year.

The Commission shall review all charter amendments, modifications and revisions submitted by either other Town entities or by petition.

Such amendments, modifications, revisions and reviews shall be reported to Town Meeting along with the Commission's recommendations.

The Commission is authorized to promulgate its own rules and regulations subject to applicable laws and Town bylaws.

1. The Town Manager will place in the Annual Town Budget adequate funds for the Commission to perform its tasks. Said appropriation shall be subject to modification and review of Town Meeting.

2. Members of the Commission shall serve without compensation.

3. The first election for Commission members shall be the Fall 2005 Regular Town Election. Three year terms of office shall be awarded to the candidates finishing in the first 3 positions, two year terms for those finishing in positions 4 and 5, and one year terms to those candidates finishing in positions 6 and 7. The candidate receiving the most votes shall be designated "Acting Chairman" and shall hold said position until the Commission elects a permanent Chairman.

4. The Town Moderator shall fill all vacancies that may occur. Such appointments will be until the next Town regular or special election. Said election shall be for the unexpired term of office.

5. The Commission shall be authorized to establish any committees that it may require to perform its tasks. The Commission shall be authorized to make all appointments to said committees;

Or act in relation thereto

SUBMITTED BY: **Petition**

ARTICLE 16. To see if the Town will vote to amend the General Bylaws Chapter 16, Demolition of Buildings, by deleting the following sections:

§ 16.2 Review by Historical Commission and Historic District Commission

A. When an application for a permit for the demolition of a building in whole or in part that is 100 years of age or older is made to the Building Inspector, the applicant shall also furnish a copy of the request to the Chelmsford Historical Commission, and if said building is within the boundaries of the Chelmsford Historic District(s) a copy of the request shall also be furnished to the Chelmsford Historic District Commission.

B. The Chelmsford Historical Commission shall submit written recommendations to the Building Inspector and the Historic District Commission, if applicable, within 14 days of the receipt of an application for a permit to demolish any building in whole or in part that is 100 years or older. The Commission shall base its recommendations upon its review of the historical, archaeological, architectural and/or cultural significance of the structure involved. If the Historical Commission does not submit a written recommendation to the Building Inspector and the Historic District Commission when applicable as provided above, it shall be deemed to have approved the application for a permit.

C. Notwithstanding anything contained in this chapter to the contrary, the powers and duties of the Chelmsford Historic District Commission as established under M.G.L. c. 40C, as amended by Chapter 68, Historic District, of the Code of the Town of Chelmsford, shall not be amended by this chapter.

§ 16.3 Violations and penalties.

Any violation of this chapter shall be punishable by a fine of $200.

And replace with the following:

§ 16-2

A. Intent and Purpose.
It is the intent and purpose of this bylaw to preserve and protect from demolition, historically significant buildings and structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the town; to encourage owners of such buildings or structures to explore and develop alternatives to such

demolition; to seek out persons or entities who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them; and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.

For purposes of the bylaw, the term "demolition" shall mean, any act of pulling down, destroying, moving, removing or razing a building or structure or any portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.

B. Procedure.

(1) Notice of Intent to Demolish:
No demolition permit shall be issued for any building or structure which was constructed seventy-five or more years prior to the year of the application, other than in conformity with the provisions of this Bylaw. An application for a demolition permit shall first be filed by the applicant and/or property owner with the Inspector of Buildings, and a copy of such application shall be forwarded within one (1) week by the Inspector of Buildings to the Historical Commission, the Board of Selectmen, and the Planning Board. Such application shall be in the form provided and established by the Inspector of Buildings and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property. If the applicant and/or property owner is unable to specify the exact age of the building or structure, the application shall so state and shall set forth the best accurate age known and the basis for such approximation.

(2) Determination of Significance

A building or structure which was constructed seventy-five or more years prior to the year of the application shall be deemed to be significant unless the Historical Commission, at a public meeting, finds that said building or structure is not significant to the architectural, cultural, political, economic or social history of the Town.

(a) Non-Applicability
Upon determination by the Historical Commission that the building or structure is not historically significant, the Historical Commission shall submit a negative finding to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of sixty (60) days from the date of submission of the demolition application to the Historical Commission, the Inspector of Buildings may issue the demolition permit.

C. Public Hearing:
Unless the Historical Commission has determined that the building or structure is not historically significant, the Historical Commission shall hold a public hearing to determine if the building or structure is "preferably preserved." The Historical Commission shall hold a public hearing within forty-five (45) from the date of submission of the demolition application to the Commission. Notice of the Public Hearing shall be provided as described in G.L. c.40A, §11. The newspaper publication and abutter notification shall be completed

by the Historical Commission at the expense of the applicant. Within fifteen (15) days of the close of the public hearing, the Historical Commission shall make one of the following determinations:

(1) Preferably Preserved:
If the proposed demolition would be detrimental to the architectural, cultural, political, economic or social heritage or resources of the Town, then such building or structure shall be considered preferably preserved.

(2) Not Preferably Preserved:
If the Commission finds that the building or structure is not preferably preserved, or where less than a complete demolition is being proposed, that the work to be done will not materially diminish its historical significance, the Inspector of Buildings may thereafter allow demolition in accordance with applicable law.

The failure of the Historical Commission to issue its written determination within fifteen (15) days after the close of the hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

D. Delay of Demolition:
If the Historical Commission determines that the building or structure is preferably preserved, it may impose a demolition delay of up to twelve (12) months from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit during the period specified therein; provided, however, that such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the applicant and/or property owner: (i) has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate same, or (ii) has agreed to alternatives to demolition set forth in Section E.

E. Alternatives to Demolition
If the Historical Commission imposes a demolition delay as set forth in Section D and/or if alternatives to demolition are developed in or after the Public Hearing which are acceptable to the applicant and/or owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such applicant and/or owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town agency, and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

F. Expiration of Demolition Delay
At the end of any period of demolition delay as set forth in this bylaw, including any alternatives agreed upon pursuant to Section E, the Historical Commission shall notify the Inspector of Buildings the period of delay has expired, and the applicant and/or property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the Demolition Permit, and pursuant to applicable law.

G. Emergency Demolition.
Nothing in this bylaw shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure which is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

H. Enforcement and Remedies

(1) Enforcement:
The Inspector of Buildings shall have the authority to enforce this bylaw in the manner described in Section 195-100 of the Chelmsford Zoning ByLaw.

(2) Issuance of Building Permit.
No building permit shall be issued or be valid for any parcel or premises upon which a historically significant building or structure, or property has been demolished by an intentional or grossly negligent violation of this bylaw, for a period of up to three (3) years after a completion of such demolition.

(3) Multiple remedies:
The remedies and enforcement procedures set forth in this Section may be applied separately or in conjunction with one another.

I. Penalty
Any person violating any of the provisions of this Bylaw shall be fined not more than three hundred (300) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

J. Request for Enforcement.
If the Inspector of Buildings is requested in writing to enforce this Bylaw against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, with fourteen (14) days of receipt of such request.

K. Historic Districts Act.
If any of the provisions of this by-law shall conflict with the Historic Districts Act, M.G.L. Ch. 40C, the state statute shall prevail.

L. Validity.
The invalidity of any section or provision of this by-law shall not render invalid any other section or provision of this by-law.

)r act or relation thereto.

SUBMITTED BY: **Historical Commission**

ARTICLE 17. To see if the Town will vote to amend the following Sections of the Chelmsford Zoning By-Law:

1. Amend *Section 195-108B*, the definition for **"COMMERCIAL RECREATION.INDOOR**, in the sentence which begins "Places of assembly shall include…", by deleting from said definition the words "health clubs".

2. Amend *Section 195-108B* by adding to said Section the following new definition:

"HEALTH CLUB – a profit or non-profit facility/structure promoting maintenance of and/or improvement to physical and mental health of individual users, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance."

3. Amend *Section 295-5 Use Regulation Schedule*, by adding to said Schedule a new category of use as follows:

Principal Use	**District**														
	RA	**RB**	**RC**	**RM**	**CA**	**CB**	**CC**	**CD**	**CV**	**IA**	**IS**	**RMH**	**CX**	**P**	**OS**
C. Commercial															
29. Health Club	**N**	**N**	**N**	**N**	**N**	**Y5**	**Y5**	**BA**	**N**	**Y5**	**N**	**N**	**N**	**BA**	**Y**

or act in relation thereto.

SUBMITTED BY: **Petition**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 29th day of September, 2004.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Stuart G. Weisfeldt, Chairman

Philip M. Eliopoulos, Vice Chairman

Thomas A. Newcomb, Clerk

Michael F. McCall

William F. Dalton

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 18, 2004:

Thursday, October 21, 2004 at 7:30 p.m.

Monday, October 25, 2004 at 7:30 p.m.

Thursday, October 28, 2004 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Oct 1, , 2004

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

Annual Fall Town Meeting
October 18, 2004

The Annual Fall Town Meeting was called to order at 7:35 PM at the Senior Center on Groton Road. The Moderator Dennis E. Mc Hugh announced that those wishing to participate in the Pledge of Allegiance to please rise. He then pointed out the fire exits and went over the town meeting procedures and rules of order. He then asked for a moment of silence in honor of two former elected officials of the Town who had passed away since the last Town Meeting. Rev Harry Foster, a former member of the School Committee, and who was quite active in Town. In addition, Everett V. (Flagday) Olsen, past member of the Cemetery Commission and distinguished affiliation with the University of Ma Lowell. The Moderator then made a few public announcements regarding upcoming Town events and election information. He also announced that the Spring Town Meeting will be on April 25, 2005. The Moderator then recognized the presence of a quorum; there were 136 Town Meeting Representatives present.

Selectman Stuart Weisfeldt moved that the reading of the Constable's return of the Town Meeting warrant be waived. Motion carried, unanimously. Selectman Stuart Weisfeldt moved that the reading of the entire warrant be waived. Motion carried, unanimously.

UNDER ARTICLE 1. Selectman Stuart Weisfeldt moved that the Town vote to hear reports of the Town Officers and Committees.

The Town Manager Bernard Lynch announced that the Board of Selectmen had recognized that this week was Drug Awareness Week. There was a coalition known as Chelmsford Citizens Against Drugs who were sponsoring wristbands which could be purchased at the back of the hall and at the Town Offices and various schools. The funds gathered would be used to educate school students not to use drugs. He also made a few announcements regarding his management team. Fred Mansfield, the Finance Director/Treasurer was leaving the Town's employment after serving for 12 years. He had been replaced by Kerri Speidel, who had previously worked for the Town of Sudbury. He also announced that the Town would be losing Jean Sullivan the Town Accountant for the past 11 years. Jean's successor had just been chosen and was here tonight, Sheila Wright, from Lawrence. He thanked Fred and Jean for their support and dedication and welcomed Kerry and Sheila, the Body acknowledged his statement with a round of applause. The Manager then announced that Patrick Maloney, Chairman of the School Building Committee was going to present the committee's report to the Body.

Patrick Maloney came forward and explained the goals and undertakings that have been accomplished so far. Beside himself, he listed the members of the committee: Selectman Thomas Newcomb, School Committee member Thomas Mills, Finance Committee member, David Turocy, the Town's Finance Director, Kerry Speidel, Robert Cruickshank, School Business Manager, and two citizens at large, Alex Buck and Nick DeSilvio. The Committee was appointed in June to oversee the voter approved project for the Town's secondary schools. The relocation of the Central Administration Office has not yet been determined. He listed the projected goals for the three schools involved. At the McCarthy: Create a new library and associated computer lab. Renovate and relocate the art rooms, relocate chorus, band and locker rooms which will create needed library space. Renovate present library space back into classrooms and enclose an exterior walkway for better traffic flow. At the Parker: Expand and renovate the library. Enclose the existing walkway in

the courtyard. Provide additional toilet facilities. At the High School: Renovate the existing science wing. Create new science classrooms in the space vacated by the central administration. Build a new 1000 seat auditorium. In addition to the stated work, all schools will have upgrades that will include: HVAC and heating system replacement. Plumbing upgrades. Electrical upgrades for technology. Address the windows at the middle schools, and roofs. Flooring and painting related matters.

Patrick Maloney explained what the primary responsibilities are and what has thus so been done. The Committee must hire the architect or architects. Hire a project management firm. Oversee the design and construction of the work, and monitor the budgets and schedules. The Committee has currently: Issued RFPs for the architectural services, interviewed four firms, and ranked them. Presently negotiating a reasonable fee with the #1 ranked firm. Hopes to have a firm on board within a few weeks. Have issued RFPs for a Project Management Firm. Have interviewed and ranked three firms. Will soon begin negotiations and complete a contract by the end of the month. Currently the Committee has installed modular classrooms at the Parker School, as well as new boilers. A new roof has been installed at the McCarthy. A new fire alarm systems is currently being installed at the High School. The Committee has experienced a higher than normal amount of escalation this year vs. your average year. Typically it would be 4% however this year it's 9 to 10%. Once the Committee begins to move forward developing the repair and maintenance scope of the project they will obtain new cost estimates with the assistance of their project managers.

The major work should begin next summer. All work is scheduled to be completed by 2008 or possibly by late 2007. There is a web site that the citizens can view the process and current status of the project. He thanked the Body and announced that meetings are held on Wednesday evenings at 6:30 PM at the Town Office and asked that any interested parties to please attend.

UNDER ARTICLE 2. Selectman Stuart Weisfeldt moved that the Town vote to appropriate $1,000,000 from Free Cash to the Stabilization Fund.

The Town Manager said that this is the amount of money that he said at the spring town meeting would be put into the stabilization fund. This will give a balance of $4million dollars in the account. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 3. Town Manager Bernard Lynch moved that the Town vote to appropriate $260,540 from Free Cash to the School Department, said funding coming from Medicaid reimbursements.

The Town Manager explained that this had become a traditional article. Each year the School Department recovers money identified from the Medicaid reimbursements and this amount is returned to their budget. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 4. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years.

Seeing that there were no late bills this year, the Town Manager asked that this article be withdrawn. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 5. Town Manager Bernard Lynch moved that the Town vote to transfer $12,194 from Special Revenue to the School Department, said funding coming from E-Rate reimbursements.

The Town Manager explained that again this is a traditional article. Money that is reimbursed from E-Rate is returned to the Technology Department budget. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 6. Town Manager Bernard Lynch moved that the Town vote to amend the Fiscal Year 2005 operating budget under Article 9 of the Annual Town Meeting held on April 26, 2004 as follows:

Increase Line Item # 1	Municipal Administration Personnel	$ 19,500
Increase Line Item # 5	Public Safety Personnel	$ 32,500
Increase Line Item # 16	Undistributed	$626,000

and that the Town transfer $400,000 from the Health Insurance Trust Fund to defray that portion of the increase to Line Item #16, Undistributed; and that the Town raise and appropriate $263,500 and transfer $107,068 from Free Cash to defray Town charges for the fiscal period July 1, 2004 to June 30, 2005

The Manager gave a breakdown of where the money was going to come from for each line item. For the $19,500; $12,500 would be raised and appropriated and $7,000 would be transferred from free cash. For the $32,500; $25,000 would be raised and appropriated and $7,500 would be transferred from free cash. And for the $625,000; $226,000 would be raised and appropriated and $400,000 would be transferred from the Health Insurance Trust Fund. He then gave the reason for the increases. Mostly due to the settlement of union contracts. He listed the percentage of increase for the Clerical Union Employees and the Superior Officers Union. These increases are for FY 04,05 and 06. Also there are one time bonus payments in lieu of any increase in FY04. He also said that the Library Union had also settled but the money had been covered in the Library budget. Under the Undistributed line item the increase is from the Health Insurance coverage for the employees. This is happening in all municipalities. Even though the Town has implemented new health programs, many of the employees have changed over to the Town's because their spouses have been laid off or the cost is less per paycheck. These costs will still be going up but at least he felt it was under control. The Moderator asked if there were any questions. Hearing none he asked for the board's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 7. Town Manager Bernard Lynch moved that the Town vote to raise and appropriate $45,000 to be used to fund certain costs associated with the establishment of a consolidated town-wide maintenance department.

The Manager said that this will be known as the Department of Public Facilities (DPF). He then explained what the benefits of this consolidation would be:

1. The economics of sales pertaining to purchases
2. Focus on eminence
3. Clearly define responsibility
4. Increase expertise
5. Opportunity to increase resources
6. Increase creditability

This would combine the School Department's Maintenance Department with the Town's present Building and Grounds Department that is under currently the DPW. This merger would not include the Cemetery Department. It will need to have administration support and estimated a start up cost of $45,000 to get the Department up and running in addition to the resources already available. It will take three years to complete the transformation. At the Spring Town Meeting the Manager said he will be presenting a Public Facilities Budget. This will enable the Town to know exactly how much is spent and budgeted every year regarding the maintenance of the Town's buildings grounds and recreational facilities.

Dr Moser, School Superintendent, spoke on behalf of the School Committee who is in favor of the consolidation. He and the School Committee feel that it is a collatable program which will improve the maintenance condition of the schools. It has a clear role for the Superintendent as well as the School Committee which is unlike other towns. It is the best way to get a collective commitment to the resource and staffing needed to be successful. The Finance Committee recommended the article. The Board of Selectmen recommended the article. George Merrill spoke against the article. He felt it would be creating an empire and not the best solution to the Town's maintenance problems. He feels that it was basically going to be the same individuals who haven't taken care of the buildings now. Over the next three years there will eventually be more personnel under this department than is currently under the present DPW. He felt that pressure should be put on the School Committee to follow the charter and instruct the Superintendent to maintain the buildings. If this isn't done then vote the School Committee out of office and force them to hire a new Superintendent who will maintain the buildings. The Moderator asked if there was any need to hear any further discussion. Hearing none, he asked for a vote by way of a show of hands, **motion carried.**

UNDER ARTICLE 8. Town Manager Bernard Lynch moved that the Town vote to transfer $350,000 from Free Cash to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department for the Fiscal Year 2005.

The Manager explained the article. The School department is going thru a process of a number of retirements which is of a one time nature. George Ripsom questioned the numerous times this "one time" article had been before the Body. The Manager said that these are costs that are not carried over from year to year. The amount is taken out of free cash for a one time payment. It should take place for another two years. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for

discussion. Hearing none, he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 9. Town Manager Bernard Lynch moved that the Town vote to transfer $10,000 from Free Cash to fund the Community Action program established under Article 12 of the April 29, 1996 Annual Meeting. The purpose of this program shall be to provide matching funds to community improvement projects undertaken by individuals and/or organizations within the Town of Chelmsford.

The Manager explained that this is seed money for civic improvement projects done in the Town. PTO's at the different Schools have taken advantage of this. Harmony Park and Olsson Park have benefited from this program. He asked that the Body continue to support the program. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 10. Town Manager Bernard Lynch moved that the Town vote to authorize the Board of Selectmen to accept as a gift two parcels of land as shown on a plan entitled "Park Place Road" dated September 29, 2004 which is on file in the office of the Town Clerk.

The Manager explained that this is a gift of land which is surrounded by the Chelmsford Country Club. The private property owner encroached onto the Country Club at one point, and in turn the Country Club encroached onto the property owner's land. The owner doesn't use the land that the CC encroached on so they gave it as a gift to the Town. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 11. Chairman of the Sewer Commission John P. Emerson moved that the Town vote to appropriate $16,500,000 for designing and constructing sewers, pump stations, and force mains for Phases 4F and 4G of the Sewer Project, including related legal, administrative and other pertinent expenses and the acquisition by purchase, eminent domain, or otherwise of all necessary easements and rights in land; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow $16,500,000 under Massachusetts General Laws, Chapter 44, Section 8 (15); that the Sewer Commission is authorized to contract for and expend any federal, state or other aid available for the project as set forth above; that the betterments shall be assessed by the uniform unit method and that 100 percent of the project costs including the payment of the principal of and interest on any borrowing incurred pursuant to this vote, shall be paid through funds transferred from the Sewer Betterment Special Revenue Account; and that the Sewer Commission is authorized to take any other action necessary to carry out this project.

The Manager presented a map which showed the areas that have been approved last year in red and the area to be done under this article was in yellow. He explained that it would cost $16,500,000 to fund this project. The Sewer Commission applied for and was successful in obtaining a 2% interest loan from the Sewer Abatement Trust program. There was a color chart which showed the areas left to be sewered. This money represents a number of contracts broken down into four to six contracts over the next few years. In order to receive the State funding it is

necessary to get approval for this project. Dean Carmeris asked if any changes were going to be made to the planned schedule. No there was not. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands. **The Moderator recognized the 2/3's vote rule, motion carried.**

UNDER ARTICLE 12. Chairman of the Sewer Commission John P. Emerson moved that the Town vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, High Street/Hunt Road – Phase 4F Sewers" dated September, 2004, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and I move that the Town to raise and appropriate from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking.

The Manager explained that this allows for the acquisition of easements in the area that was shown to the Body under Article 11. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands. **The Moderator recognized the 2/3's vote rule, motion carried.**

UNDER ARTICLE 13. Town Manager Bernard Lynch moved that the Town vote to approve the Tax Increment Financing Agreement between the Town, and Hitite Microwave Corporation, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("20 Alpha Road Opportunity Area"), and to authorize the Town Manager to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 20 Alpha Road Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement.

The Manager explained that this is the second time a company has approached the Town to approve an agreement. The first time was in April of 2000 with Unisphere Solutions located off Industrial Ave, on the Lowell/Chelmsford line. This is a property tax break opportunity for a business interested in locating to Town. The Company must offset any property tax relief with funding that will make the Town whole. By doing this it would allow the company to take advantage of a State investment tax credit program for the purchasing of their equipment or any of their expansions. Half a dozen other companies have shown interest however they are unable to reach the requirements to make the Town whole. The Company will pay 1.1million dollars in base taxes and pay in additional tax on the addition 228,834 for a total of $1million 339 thousand dollars. Before the agreement is executed the company will give the Town a check for $5,000. The savings over fifteen years that the Company will receive is $3,586. The Town will have the advantage of 159

jobs being offered to Chelmsford residents. He asked that the Body support the article. Judith Travano asked if there was a penalty if the Company decides to leave town after the TIF is made. No there is nothing, however, the Town will have the $5,000. Kenley Freeman asked if the tax estimate was based on the current tax rate and not a split rate. The Manager said if the tax rate was to be split then the Company would pay $4900. Steve Flynn, Dennis Sheehan and Glenn Thoren asked questions regarding the formula. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, **motion carried.**

UNDER ARTICLE 14. Selectman Stuart Weisfeldt moved that the Town vote to authorize the Board of Selectmen to convey, subject to a restriction that no structure be built on the parcel, in accordance with Massachusetts General Law Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on Westland Avenue, shown as Lot 2 on Assessor's Map 52, Block 200 containing 4,500 s.f. more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2224, Page 376.

The Manager explained that this property was taken for back taxes 20-30 years ago. It is 4,500 sq feet and the Town has no use for it. He felt it would be in the Town's best interest to all any interested abutters to expand their yards. It has an assessed value of $10,000. Due to it being so close to the street it has a clause that would not allow a building to be built on it, which would change the character of the surrounding homes in the neighborhood. This property would go through the competitive bid process George Ripsom expressed concerns about this property being obtained in order for an interested property owner to put a monstrous addition onto their present home. He questioned if the Manager had heard of any such proposal. The Manager said no he hadn't, however, that is why the clause is there to avoid any possible problems. The Moderator asked if there were any further questions, hearing none he asked recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, **motion carried, unanimously.**

UNDER ARTICLE 15. The Moderator said that he did not have a signed motion regarding this article. The Manager explained that he was under the impression that the article was going to be withdrawn. This is due to the Board of Selectmen and Town Counsel expressing concerns regarding the wording. The Board of Selectmen are going to have an informal forum on November 8th regarding this issue. However, he did not want to speak for the petitioner. Samuel Poulten came forward and said that the petitioners are present in the hall and agree with what the Town Manager had said. He asked that the article be withdrawn without prejudice and that the citizens please attend the forum on November 8th. The Moderator stated that because there was no signed motion no action will be taken. He went onto Article 16. This article was worded as follows:

To see if the Town would vote to amend the Town Charter as follows:

A Charter Review Commission shall be established.

Said Commission shall be an elected standing committee of the Town.

The Commission shall consist of 7 members elected at large for a term of 3 years.

The Commission shall review the town Charter at least every ten years with the purpose of recommending changes, amendments and deletions as it finds necessary or advisable. It shall meet at least twice a year.

The Commission shall review all charter amendments, modifications and revisions submitted by either other Town entities or by petition.

Such amendments, modifications, revisions and reviews shall be reported to Town Meeting along with the Commission's recommendations.

The Commission is authorized to promulgate its own rules and regulations subject to applicable laws and Town bylaws.

1. The Town Manager will place in the Annual Town Budget adequate funds for the Commission to perform its tasks. Said appropriation shall be subject to modification and review of Town Meeting.

2. Members of the Commission shall serve without compensation.

3. The first election for Commission members shall be the Fall 2005 Regular Town Election. Three year terms of office shall be awarded to the candidates finishing in the first 3 positions, two year terms for those finishing in positions 4 and 5, and one year terms to those candidates finishing in positions 6 and 7. The candidate receiving the most votes shall be designated "Acting Chairman" and shall hold said position until the Commission elects a permanent Chairman.

4. The Town Moderator shall fill all vacancies that may occur. Such appointments will be until the next Town regular or special election. Said election shall be for the unexpired term of office.

5. The Commission shall be authorized to establish any committees that it may require to perform its tasks. The Commission shall be authorized to make all appointments to said committees.

UNDER ARTICLE 16. The Moderator said that he did not have a signed motion regarding this article. The Manager explained that the Historical Commission received feed back from the community regarding this article and the one previously presented at the Spring Town Meeting. They feel that this issue is of great importance and would like more time in order to present something that would be more workable for all parties. The Moderator stated that because there was no signed motion no action will be taken. He went onto Article 17. This article was worded as follows:

To see if the Town would vote to amend the General Bylaws Chapter 16, Demolition of Buildings, by deleting the following sections:

§ 16.2 Review by Historical Commission and Historic District Commission

A. When an application for a permit for the demolition of a building in whole or in part that is 100 years of age or older is made to the Building Inspector, the applicant shall also furnish a copy of the request to the Chelmsford Historical Commission, and if said building is within the boundaries of the Chelmsford Historic District(s) a copy of the request shall also be furnished to the Chelmsford Historic District Commission.

B. The Chelmsford Historical Commission shall submit written recommendations to the Building Inspector and the Historic District Commission, if applicable, within 14 days of the receipt of an application for a permit to demolish any building in whole or in part that is 100 years or older. The Commission shall base its recommendations upon its review of the historical, archaeological, architectural and/or cultural significance of the structure involved. If the Historical Commission does not submit a written recommendation to the Building Inspector and the Historic District Commission when applicable as provided above, it shall be deemed to have approved the application for a permit.

C. Notwithstanding anything contained in this chapter to the contrary, the powers and duties of the Chelmsford Historic District Commission as established under M.G.L. c. 40C, as amended by Chapter 68, Historic District, of the Code of the Town of Chelmsford, shall not be amended by this chapter.

§ 16.3 **Violations and penalties.**

Any violation of this chapter shall be punishable by a fine of $200.

<u>And replace with the following</u>:

§ 16-2

A. Intent and Purpose.

It is the intent and purpose of this bylaw to preserve and protect from demolition, historically significant buildings and structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the town; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; to seek out persons or entities who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them; and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.

For purposes of the bylaw, the term "demolition" shall mean, any act of pulling down, destroying, moving, removing or razing a building or structure or any portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.

B. Procedure.

(1) Notice of Intent to Demolish:

No demolition permit shall be issued for any building or structure which was

constructed seventy-five or more years prior to the year of the application, other than in conformity with the provisions of this Bylaw. An application for a demolition permit shall first be filed by the applicant and/or property owner with the Inspector of Buildings and a copy of such application shall be forwarded within one (1) week by the Inspector of Buildings to the Historical Commission, the Board of Selectmen, and the Planning Board. Such application shall be in the form provided and established by the Inspector of Buildings and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property. If the applicant and/or property owner is unable to specify the exact age of the building or structure, the application shall so state and shall set forth the best accurate age known and the basis for such approximation.

(2) Determination of Significance

A building or structure which was constructed seventy-five or more years prior to the year of the application shall be deemed to be significant unless the Historical Commission, at a public meeting, finds that said building or structure is not significant to the architectural, cultural, political, economic or social history of the Town.

(a) Non-Applicability

Upon determination by the Historical Commission that the building or structure is not historically significant, the Historical Commission shall submit a negative finding to the applicant and/or property owner and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of sixty (60) days from the date of submission of the demolition application to the Historical Commission, the Inspector of Buildings may issue the demolition permit.

C. Public Hearing:

Unless the Historical Commission has determined that the building or structure is not historically significant, the Historical Commission shall hold a public hearing to determine if the building or structure is "preferably preserved." The Historical Commission shall hold a public hearing within forty-five (45) from the date of submission of the demolition application to the Commission. Notice of the Public Hearing shall be provided as described in G.L. c.40A, §11. The newspaper publication and abutter notification shall be completed by the Historical Commission at the expense of the applicant. Within fifteen (15) days of the close of the public hearing, the Historical Commission shall make one of the following determinations:

(1) Preferably Preserved:

If the proposed demolition would be detrimental to the architectural, cultural, political, economic or social heritage or resources of the Town, then such building or structure shall be considered preferably preserved.

(2) Not Preferably Preserved:

If the Commission finds that the building or structure is not preferably

preserved, or where less than a complete demolition is being proposed, that the work to be done will not materially diminish its historical significance, the Inspector of Buildings may thereafter allow demolition in accordance with applicable law.

The failure of the Historical Commission to issue its written determination within fifteen (15) days after the close of the hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

D. Delay of Demolition:
If the Historical Commission determines that the building or structure is preferably preserved, it may impose a demolition delay of up to twelve (12) months from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit during the period specified therein; provided, however, that such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the applicant and/or property owner: (i) has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate same, or (ii) has agreed to alternatives to demolition set forth in Section E.

E. Alternatives to Demolition
If the Historical Commission imposes a demolition delay as set forth in Section D and/or if alternatives to demolition are developed in or after the Public Hearing which are acceptable to the applicant and/or owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such applicant and/or owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town agency, and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

F. Expiration of Demolition Delay
At the end of any period of demolition delay as set forth in this bylaw, including any alternatives agreed upon pursuant to Section E, the Historical Commission shall notify the Inspector of Buildings the period of delay has expired, and the applicant and/or property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the Demolition Permit, and pursuant to applicable law.

G. Emergency Demolition.
Nothing in this bylaw shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure which is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

H. Enforcement and Remedies

(1) Enforcement:
The Inspector of Buildings shall have the authority to enforce this bylaw in the manner described in Section 195-100 of the Chelmsford Zoning Bylaw.

(2) Issuance of Building Permit.
No building permit shall be issued or be valid for any parcel or premises upon which a historically significant building or structure, or property has been demolished by an intentional or grossly negligent violation of this bylaw, for a period of up to three (3) years after a completion of such demolition.

(3) Multiple remedies:
The remedies and enforcement procedures set forth in this Section may be applied separately or in conjunction with one another.

I. Penalty
Any person violating any of the provisions of this Bylaw shall be fined not more than three hundred (300) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

J. Request for Enforcement.
If the Inspector of Buildings is requested in writing to enforce this Bylaw against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, with fourteen (14) days of receipt of such request.

K. Historic Districts Act.
If any of the provisions of this by-law shall conflict with the Historic Districts Act, M.G.L. Ch. 40C, the state statute shall prevail.

L. Validity.
The invalidity of any section or provision of this by-law shall not render invalid any other section or provision of this by-law.

UNDER ARTICLE 17. Judith Olsson moved that the Town vote to amend the zoning bylaw as printed in the warrant under Article 17 with the changes as shown on the overhead screen.

1. Amend *Section 195-108B,* the definition for **"COMMERCIAL RECREATION.INDOOR**, in the sentence which begins "Places of assembly shall include…" by deleting from said definition the words "health clubs".

2. Amend *Section 195-108B* by adding to said Section the following new definition:

"HEALTH CLUB – a profit or non-profit facility/structure promoting maintenance of and/or improvement to physical and mental health of individual users, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Parking requirements shall be the same as those for stores, retail businesses and services."

3. Amend *Section 295-5 Use Regulation Schedule,* by adding to said Schedule a new category of use as follows:

Principal Use	District															
	RA	RB	RC	RM	CA	CB	CC	CD	CV	IA	IS	RMH	CX	P	OS	
C. Commercial																
29. Health Club	N	N	N	N	N	PB	PB	BA	N	PB	N	N	N	BA	Y	

Attorney Julie McNeill representing the petitioner came forward and made a brief presentation. Her client would like to delete Health Club from the definition of Indoor Commercial Recreation and make it a separate use category. Also, requested that this use be allowed in the IA (Industrial District). Attorney McNeill explained that the Planning Board agreed to making these changes however, the Board wanted to add two modifications to the amendment. Her petitioner agreed to the modifications and they are as follows:

A provision that the parking requirement be the same as stated under 195-17 Use: Stores, retail businesses and service, which is one space for every 200 feet. A special permit would be needed from The Planning Board to allow this use in the IA,CB and CC District. The Board of Appeals would still issue a special permit for the CD and P District. The Moderator asked for the various Board recommendations: The Finance Committee recommended the article. The Board of Selectmen recommended the article. Christopher Garrahan, Chairman of the Planning Board gave the Boards recommendation. The Chelmsford Planning Board held a public hearing on September 22, 2004 at 7:15 PM on the above mentioned article after publishing a legal notice in the Chelmsford Independent on September 2 and September 9, 2004. Notice of the hearing was sent according to the requirements of Ma General Laws, Chapter 40A, section 5. The Planning Board unanimously recommends in favor of adoption of the proposed zoning bylaw amendment, subject to amendments requiring parking to be calculated at one space per 200 square feet of floor area and that health clubs shall be permitted in the CB, CC and IA zoning districts by a special permit issued by the Planning Board. Both changes are reflected in the amended motion presented tonight. The Moderator asked if there was any need for discussion. Hearing none, he asked for a vote by way of a show of hands, **motion carried, unanimously.**

Seeing that there was no further business at hand Selectman Michael McCall moved to adjourn the Town Meeting, sine die. The meeting adjourned at 9:05 PM

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin, Secretary of the Commonwealth

WARRANT FOR STATE ELECTION

SS. MIDDLESEX

To the Constable of the Town of Chelmsford

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Elections to vote at:

Precinct 1	Town Office Building Gym, 50 Billerica Road
Precinct 2	Harrington School Gym, 120 Richardson Road
Precinct 3	Harrington School Gym, 120 Richardson Road
Precinct 4	Westlands School Cafetorium, 170 Dalton Road
Precinct 5	Byam School Cafetorium, 25 Maple Road
Precinct 6	Westlands School Cafetorium, 170 Dalton Road
Precinct 7	McCarthy Middle School Little Gym, 250 North Road
Precinct 8	McCarthy Middle School Little Gym, 250 North Road
Precinct 9	Town Office Building Gym, 50 Billerica Road

On **TUESDAY, THE SECOND DAY OF NOVEMBER, 2004,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates of political parties for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENT.....	STATEWIDE
REPRESENTATIVE IN CONGRESS.....	Fifth Congressional District
COUNCILLOR.....	Third Councillor District
SENATOR IN GENERAL COURT.....	Third Middlesex Senatorial District
REPRESENTATIVE IN GENERAL COURT (Pcts.3,5&7)....	2nd Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pcts. 1&9).....	14th Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pcts. 2,6&8)...	16th Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pct. 4).....	17th Middlesex District
SHERIFF.....	Middlesex County

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting. Given under our hands this 1st day of Oct, 2004.

Selectmen of Chelmsford

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

10-1-04
Date

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed: [illegible]
Constable

10-1- 2004

Town of Chelmsford
Presidential Election Nov 2, 2004

PRESIDENT & VICE PRESIDENT	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	8	0	9	4	13	6	4	3	5	**52**
BADNARIK & CAMPAGNA	19	11	11	14	16	12	10	17	15	**125**
BUSH & CHENEY	910	712	874	855	930	1,049	1,128	987	1,037	**8,482**
COBB & LaMARCHE	6	5	7	7	10	7	9	9	9	**69**
KERRY & EDWARDS	1,042	967	1,029	990	1,077	1,148	1,201	1,102	1,122	**9,678**
RALPH NADER (WRITE-IN)	7	6	8	3	7	6	7	4	6	**54**
JOHN MCCAIN (WRITE-IN)	5	0	3	2	3	2	3	3	0	**21**
JOE LIEBERMAN (WRITE-IN)	0	0	0	0	0	0	0	0	1	**1**
AL GORE (WRITE-IN)	0	0	0	0	0	0	1	0	0	**1**
COLIN POWELL (WRITE-IN)	0	0	1	0	0	0	0	0	0	**1**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	1	0	4	8	2	0	1	3	**19**
TOTAL	**1,997**	**1,702**	**1,942**	**1,879**	**2,064**	**2,232**	**2,363**	**2,126**	**2,198**	**18,503**

REP IN CONGRESS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	67	62	85	63	80	73	78	77	69	**654**
MARTIN T MEEHAN	1,228	1,114	1,242	1,211	1,283	1,427	1,420	1,326	1,311	**11,562**
THOMAS P TIERNEY	702	525	614	604	698	728	863	723	818	**6,275**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	1	1	1	3	4	2	0	0	**12**
TOTAL	**1,997**	**1,702**	**1,942**	**1,879**	**2,064**	**2,232**	**2,363**	**2,126**	**2,198**	**18,503**

Note:

The above figures were adjusted on Friday Nov 12th to reflect 5 out of the country ballots postmarked Nov 2nd and received after the election and 8 provisional ballots. A total of 13 ballots were added to the figure and is broken down and reflected on the attached **4** pages

Town of Chelmsford
Presidential Election Nov 2, 2004

PRESIDENT & VICE PRESIDENT	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	8	0	9	4	13	6	4	3	5	**52**
BADNARIK & CAMPAGNA	19	11	11	14	16	12	10	17	15	**125**
BUSH & CHENEY	910	712	874	855	930	1,050	1,128	987	1,039	**8,485**
COBB & LaMARCHE	6	5	7	7	10	7	9	9	9	**69**
KERRY & EDWARDS	1,044	969	1,030	990	1,078	1,150	1,201	1,102	1,124	**9,688**
RALPH NADER (WRITE-IN)	7	6	8	3	7	6	7	4	6	**54**
JOHN MCCAIN (WRITE-IN)	5	0	3	2	3	2	3	3	0	**21**
JOE LIEBERMAN (WRITE-IN)	0	0	0	0	0	0	0	0	1	**1**
AL GORE (WRITE-IN)	0	0	0	0	0	0	1	0	0	**1**
COLIN POWELL (WRITE-IN)	0	0	1	0	0	0	0	0	0	**1**
MISC WRITE-INS	0	1	0	4	8	2	0	1	3	**19**
TOTAL	**1,999**	**1,704**	**1,943**	**1,879**	**2,065**	**2,235**	**2,363**	**2,126**	**2,202**	**18,516**

REP IN CONGRESS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	67	62	85	63	80	74	78	77	70	**656**
MARTIN T MEEHAN	1,230	1,116	1,243	1,211	1,284	1,429	1,420	1,326	1,312	**11,571**
THOMAS P TIERNEY	702	525	614	604	698	728	863	723	820	**6,277**
MISC WRITE-INS	0	1	1	1	3	4	2	0	0	**12**
TOTAL	**1,999**	**1,704**	**1,943**	**1,879**	**2,065**	**2,235**	**2,363**	**2,126**	**2,202**	**18,516**

Presidential Election Nov 2, 2004

COUNCILLOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	752	533	743	644	799	813	963	762	856	**6,865**
M.M. PETITTO DEVANEY	1,225	1,153	1,182	1,213	1,250	1,402	1,378	1,352	1,324	**11,479**
RICHARD MCCLURE (WRITE-IN)	0	0	0	0	0	1	0	0	0	**1**
MISC WRITE-INS	22	18	18	22	16	19	22	12	22	**171**
TOTAL	**1,999**	**1,704**	**1,943**	**1,879**	**2,065**	**2,235**	**2,363**	**2,126**	**2,202**	**18,516**

SENATOR IN GENERAL COURT	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	79	90	106	75	73	86	85	79	83	**756**
SUSAN C FARGO	859	803	889	850	907	997	1,002	972	938	**8,217**
JOHN C THIBAULT	1,058	808	946	952	1,079	1,145	1,275	1,073	1,181	**9,517**
RICHARD MCCLURE (WRITE-IN)	0	0	0	1	0	5	1	0	0	**7**
MISC WRITE-INS	3	3	2	1	6	2	0	2	0	**19**
TOTAL	**1,999**	**1,704**	**1,943**	**1,879**	**2,065**	**2,235**	**2,363**	**2,126**	**2,202**	**18,516**

REP. IN GENERAL COURT 1,9	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	127	0	0	0	0	0	0	0	121	**248**
CORY ATKINS	1,040	0	0	0	0	0	0	0	1,092	**2,132**
DOUGLAS STEVENSON	832	0	0	0	0	0	0	0	987	**1,819**
MISC WRITE-INS	0	0	0	0	0	0	0	0	2	**2**
TOTAL	**1,999**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2,202**	**4,201**

Presidential Election Nov 2, 2004

REP. IN GENERAL COURT 2,6,8	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	437	0	0	0	667	0	645	0	**1,749**
THOMAS A GOLDEN, JR	0	1,254	0	0	0	1,548	0	1,463	0	**4,265**
MISC WRITE-INS	0	13	0	0	0	20	0	18	0	**51**
TOTAL	**0**	**1,704**	**0**	**0**	**0**	**2,235**	**0**	**2,126**	**0**	**6,065**

REP. IN GENERAL COURT 3,5,7	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	138	0	119	0	138	0	0	**395**
GEOFFREY D HALL	0	0	960	0	1,006	0	1,095	0	0	**3,061**
DENNIS J GALVIN	0	0	841	0	935	0	1,130	0	0	**2,906**
MISC WRITE-INS	0	0	4	0	5	0	0	0	0	**9**
TOTAL	**0**	**0**	**1,943**	**0**	**2,065**	**0**	**2,363**	**0**	**0**	**6,371**

REP. IN GENERAL COURT 4	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	161	0	0	0	0	0	**161**
DAVID M NANGLE	0	0	0	1,129	0	0	0	0	0	**1,129**
CLIFFORD R KRIEGER	0	0	0	585	0	0	0	0	0	**585**
MISC WRITE-INS	0	0	0	4	0	0	0	0	0	**4**
TOTAL	**0**	**0**	**0**	**1,879**	**0**	**0**	**0**	**0**	**0**	**1,879**

SHERIFF	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	664	468	662	558	688	713	863	686	740	**6,042**
JAMES V DiPAOLA	1,317	1,221	1,259	1,290	1,356	1,494	1,478	1,413	1,425	**12,253**
ROBERT DEMOURA (WRITE-IN)	0	8	6	7	5	10	2	18	0	**56**
MISC WRITE-INS	18	7	16	24	16	18	20	9	37	**165**
TOTAL	**1,999**	**1,704**	**1,943**	**1,879**	**2,065**	**2,235**	**2,363**	**2,126**	**2,202**	**18,516**

WARRANT FOR ANNUAL
TOWN ELECTION APRIL 5, 2005

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1.	Town Offices Gymnasium, 50 Billerica Road
Precinct 2.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 4.	Westlands School Cafetorium, 170 Dalton Road
Precinct 5.	Byam School Cafetorium, 25 Maple Road
Precinct 6.	Westlands School Cafetorium, 170 Dalton Rd
Precinct 7.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 8.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 9.	Town Offices Gymnasium, 50 Billerica Road

On Tuesday, the 5th day of April, 2005 being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

One Selectman for three years;

Two School Committee Member for three years;

One Moderator for three years;

Three Library Trustees for three years;

One Library Trustee for unexpired one year;

One Board of Health Member for three years;

Two Planning Board Members for three years;

One Alternate Planning Board Member for two years;

Two Sewer Commissioners for three years;

One Cemetery Commissioner for three years;

One Housing Authority Member for five years;

and to bring in their votes for the following:

Fifty-four Representative Town Meeting Members for three years in Precincts 1 through 9

1 Representative Town Meeting Member for an unexpired two year term in Precinct 2

and to meet in the Senior Center, 75 Groton Road, North Chelmsford, on Monday, the twenty-fifth day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

Article 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

Board of Selectmen

Article 2. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

Town Manager
Finance Committee

Article 3. To see if the Town will vote to raise and appropriate or transfer from available funds, a certain sum of money for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998; or act in relation thereto.

Town Manager

Article 4. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to meet bills from previous years; or act in relation thereto.

Town Manager

Article 5. To see if the Town will vote to raise and appropriate, or transfer and appropriate from available funds, a certain sum of money to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford; or act in relation thereto.

Town Manager

Article 6. To see if the Town will vote to transfer a certain sum of money from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget for Fiscal Year 2006; or act in relation thereto.

Town Manager
Conservation Commission

Article 7. To see if the Town will vote to transfer from the Stabilization Fund $2,000,000 to be used to offset that portion of debt and interest in the Fiscal Year 2006 Budget; or act in relation thereto.

Town Manager

Article 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be required to defray Town charges for the fiscal period July 1, 2005 to June 30, 2006; or act in relation thereto.

Town Manager

Article 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, a certain sum of money for the FY06 budget for the Sewer Enterprise Fund, or act in relation thereto.

Town Manager

Article 10. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department for the Fiscal Year 2006; or act in relation thereto.

Town Manager

Article 11. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 2005. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to a certain sum during Fiscal Year 2006; or act in relation thereto.

Town Manager
Council on Aging

Article 12. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Police Department for Fiscal Year 2005. The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to a certain sum during Fiscal Year 2006; or act in relation thereto.

Town Manager
Police Department

Article 13. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E1/2 for the Inspection Department for Fiscal Year 2004. The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to a certain sum during Fiscal Year 2006; or act in relation thereto.

Town Manager

Article 14. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

Police Department	
Cruiser Replacement	$165,000
Fire Department	
Staff Vehicle Replacements	$32,500
Inspection Department	
Staff Vehicle Replacements	$25,000
DPW	
Road Maintenance	$200,000
6 Wheel Dump Truck	$110,000
Street Sweeper	$118,000
One Ton Dump Truck	$50,000
Library	
Computer Replacement	$35,000
Byam School	
Rooftop Exhaust Fans & Housings	$35,000
Harrington	
Generator Replacement	$67,600
Westlands	
Generator Replacement	$67,600
South Row	
Univent Air Handling Replacement	$386,000
Central Administration	
Expansion and Renovation	$750,000
System Wide Technology	
Computer Network	$400,000

and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations, and to further authorize the Town Manager to enter into lease/purchase agreements in excess of three years; or act in relation thereto.

Board of Selectmen
Town Manager
Capital Planning Committee

Article 15. To see if the Town will vote to transfer a certain sum of money from the sale of the Graves and Lots to the Cemetery Improvement and Development Fund; or act in relation thereto.

Cemetery Commission

Article 16. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2006 Community Preservation budget and:

A. to appropriate from FY2006 Community Preservation Fund revenues the following:

(1) a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2006,

and further

B. to reserve for future appropriation amounts from FY2006 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use,

(2) a sum of money for acquisition, preservation, rehabilitation, and restoration of historic resources,

(3) a sum of money for the creation and preservation and support of community housing,

(4) a sum of money for the Community Preservation Fund FY2006 Budgeted Reserve

or take any other action relative thereto.

Community Preservation Committee

Article 17. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Community Housing Reserve, and from the Community Preservation Fund General Fund for use by the Chelmsford Housing Authority for the purpose of paying a water demand fee from the North Chelmsford Water District to allow the occupancy of the Sheila Avenue low income Senior Housing Development, or act in relation thereto.

Community Preservation Committee

Article 18. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Historic Preservation Reserve, and from the Community Preservation Fund General Fund, for use by the Garrison House Association for the purpose of preservation of the Hill Jock House, or act in relation thereto.

Community Preservation Committee

Article 19. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Historic Preservation Fund Reserve, and from the Community Preservation Fund General Reserve, for use by the Chelmsford Cemetery Commission for the purpose of the preservation of the Forefathers Burial Ground, or act in relation thereto.

Community Preservation Committee

Article 20. To see if the Town will authorize the Board of Selectmen to alter or eliminate the drainage easements presently located on properties at 2 Meadowcrest Lane (Map/Block/Lot 107/405/11) and 4 Meadowcrest Lane (Map/Block/Lot 107/405/8) in accordance with plan on file in Town Engineer's office;

or act in relation thereto;

Board of Selectmen

Article 21. To see if the Town will vote to amend the General Bylaws Chapter 16, Demolition of Buildings, by deleting the following sections:

§ 16.2 Review by Historical Commission and Historic District Commission

A. When an application for a permit for the demolition of a building in whole or in part that is 100 years of age or older is made to the Building Inspector, the applicant shall also furnish a copy of the request to the Chelmsford Historical Commission, and if said building is within the boundaries of the Chelmsford Historic District(s) a copy of the request shall also be furnished to the Chelmsford Historic District Commission.

B. The Chelmsford Historical Commission shall submit written recommendations to the Building Inspector and the Historic District Commission, if applicable, within 14 days of the receipt of an application for a permit to demolish any building in whole or in part that is 100 years or older. The Commission shall base its recommendations upon its review of the historical, archaeological, architectural and/or cultural significance of the structure involved. If the Historical Commission does not submit a written recommendation to the Building Inspector and the Historic District Commission when applicable as provided above, it shall be deemed to have approved the application for a permit.

C. Notwithstanding anything contained in this chapter to the contrary, the powers and duties of the Chelmsford Historic District Commission as established under M.G.L. c. 40C, as amended by Chapter 68, Historic District, of the Code of the Town of Chelmsford, shall not be amended by this chapter.

§ 16.3 Violations and penalties.

Any violation of this chapter shall be punishable by a fine of $200.

And replace with the following:

§ 16-2

A. Intent and purpose.

It is the intent and purpose of this bylaw to preserve and protect from demolition, historically significant buildings and structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the town; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; to seek out persons or entities who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them; and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.

For purposes of the bylaw, the term "demolition" shall mean, any act of pulling down, destroying, moving, removing or razing a building or structure or any portion thereof, including destruction through willful neglect or arson.

B. Procedure.

(1) Notice of Intent to Demolish:

No demolition permit shall be issued for any building or structure that was constructed **seventy-five (75) or more years prior to the year of the application**, other than in conformity with the provisions of this Bylaw. The applicant and/or property owner shall first file an application for a demolition permit with the Inspector of Buildings, and the Inspector of Buildings shall forward a copy of such application within **one (1) week** to the Historical Commission, the Board of Selectmen, and the Planning Board. Such application shall be in the form provided and established by the Inspector of Buildings and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property. If the applicant and/or property owner is unable to specify the exact age of the building or structure, the application shall so state, and shall set forth the best-known estimate of age and the basis for such estimate.

(2) Determination of Significance

A building or structure which was constructed **seventy-five (75) or more years prior to the year of the application** may be deemed to be significant if the Historical Commission, at a public meeting, finds that the building or structure is significant to the architectural, cultural, political, economic or social history of the Town.

(3) Non-Applicability

Upon determination by the Historical Commission that the building or structure is not historically significant, the Historical Commission shall submit a negative finding to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of **sixty (60) days** from the date of submission of the demolition application to the Historical Commission, the Inspector of Buildings may issue the demolition permit.

C. Public Hearing:

Unless the Historical Commission has determined that the building or structure is not historically significant, the Historical Commission shall hold a public hearing to determine if the building or structure is "preferably preserved." The Historical Commission shall hold a public hearing within **forty-five (45) days** from the date of submission of the demolition application to the Commission. Notice of the Public Hearing shall be provided as described in Massachusetts General Laws (M.G.L.) Chapter 40A, § 11. The Historical Commission at the expense of the applicant shall complete the newspaper publication and abutter notification. Within **fifteen (15)**

days of the close of the public hearing, the Historical Commission shall make one of the following determinations:

(1) Preferably Preserved:

If the proposed demolition would be detrimental to the architectural, cultural, political, economic or social heritage or resources of the Town, then such building or structure shall be considered preferably preserved.

(2) Not Preferably Preserved:

If the Commission finds that the building or structure is not preferably preserved, or where less than a complete demolition is being proposed, that the work to be done will not materially diminish its historical significance, the Inspector of Buildings may thereafter allow demolition in accordance with applicable law. The failure of the Historical Commission to issue its written determination within **fifteen (15) days** after the close of the hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

D. Delay of Demolition:

If the Historical Commission determines that the building or structure is preferably preserved, it may impose a demolition delay of up to **twelve (12) months** from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit during the period specified therein. However, such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the applicant and/or property owner: **(i)** has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate same, or **(ii)** has agreed to alternatives to demolition set forth in **Section E**.

E. Alternatives to Demolition

If the Historical Commission imposes a demolition delay as set forth in **Section D** and/or if alternatives to demolition are developed in or after the Public Hearing which are acceptable to the applicant and/or owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such applicant and/or owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town agency, and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

F. Expiration of Demolition Delay

At the end of any period of demolition delay as set forth in this bylaw, including any alternatives agreed upon pursuant to **Section E**, the Historical Commission shall notify the Inspector of Buildings the period of delay has expired, and the applicant and/or property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the Demolition Permit, and pursuant to applicable law.

G. Emergency Demolition.

Nothing in this bylaw shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure that is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

H. Enforcement and Remedies

(1) Enforcement:

The Inspector of Buildings shall have the authority to enforce this bylaw in the manner described in Section 195-100 of the Chelmsford Zoning Bylaw.

(2) Issuance of Building Permit.

No building permit shall be issued or be valid for any parcel or premises upon which a historically significant building or structure, or property has been demolished by an intentional or grossly negligent violation of this bylaw, for a period of up to **three (3) years** after a completion of such demolition.

(3) Multiple remedies:

The remedies and enforcement procedures set forth in this Section may be applied separately or in conjunction with one another.

I. Penalty

Any person violating any of the provisions of this Bylaw shall be fined not more than **three hundred (300) dollars** for each offense. Each day that such violation continues shall constitute a separate offense.

J. Request for Enforcement.

If the Inspector of Buildings is requested in writing to enforce this Bylaw against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, with **fourteen (14) days** of receipt of such request.

K. Historic Districts Act.

If any of the provisions of this by-law shall conflict with the Historic Districts Act, M.G.L. Chapter 4OC, the state statute shall prevail.

L. Validity.

The invalidity of any section or provision of this by-law shall not render invalid any other section or provision of this by-law or act or relation thereto.

Chelmsford Historical Commission

Article 22. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Section 195-3 Official Zoning Map, by deleting the existing Zoning Map, dated April 24, 1989, with revisions through April 24, 2000, and inserting in its place a revised Zoning Map dated February 2005, which map is available for viewing in the Office of the Town Clerk and the Community Development Office;

; or act in relation thereto.

Community Development Coordinator
Town Clerk

Article 23. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Section 195-39.B, Air Quality, by:

deleting the first sentence of this subsection which reads: "No building or occupancy permit shall be issued for any facility specified in Regulation 2.3, Regulations as amended for the Control of Air Pollution in the Merrimack Valley Air Pollution District, Commonwealth of Massachusetts, Department of Public Health, Bureau of Air Quality Control, until written approval for the facility has been obtained from the Department of Public Health."

and inserting: "No building or occupancy permit shall be issued for any facility subject to regulation under the Massachusetts Air Pollution Control Regulations, 310 CMR 7.00, until compliance with those regulations has been demonstrated and, if applicable, the appropriate permit(s) have been obtained from the Massachusetts Department of Environmental Protection, Bureau of Waste Prevention."

; or act in relation thereto.

Community Development Coordinator

Article 24. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article IX, Landscaping, Section 195-46, Planted Areas, by adopting the following:

Delete the last sentence in subsection D which reads: "Evergreens shall be a minimum of eight feet in height at the time of planting."

And insert the following new subsection E: "Evergreens shall be a minimum of eight feet in height at the time of planting and shall be spaced five feet on center when planted in a single row. When planted in a double row, each row of evergreens shall be spaced ten feet on center. These minimum standards may be reduced by the Planning Board, subject to the recommendation of an arborist, landscape architect, or other competent individual. Areas planted in conformance with this subsection shall, at the time of planting, be deemed to comply with the opacity requirement of Section 195-43."

; or act in relation thereto

Community Development Coordinator

Article 25. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article XIX, Administration and Enforcement, Section 195-104 Site Plan Review, by adopting the following:

1. Section 195-104.A(2), insert the bolded text: "Construction or expansion of a parking lot **resulting in the construction of five (5) or more spaces** for a municipal, institutional, commercial, industrial or multifamily structure or purpose."

2. Section 195-104.G, Minor Site Plan Review: delete the third sentence, which reads: "Minor site plans shall set forth all of the information required by Subsection D; provided, however, that the scale of the site plan may be one foot equals 100 feet, unless greater detail is needed for clarity, and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey or Town of Chelmsford topographic maps."

   and insert in its place "Minor site plans shall set forth all of the information required by Subsection D; provided, however, that the scale and contents of the minor site plan may be reduced by the Planning Board."

; or act in relation thereto

Community Development Coordinator

Article 26. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article XX Terminology, Section 195-108, Word Usage and Definitions:

1. In the definition of "LOT, FRONTAGE OF" delete the last sentence which reads "Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot."

   The amended definition will read "LOT, FRONTAGE OF - A lot line coinciding with the side line of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two intersecting streets if their angle of intersection is greater than 120°."

2. In the definition of "SANITARY LANDFILL," delete "Massachusetts Department of Public Health" and replace with "Massachusetts Department of Environmental Protection, Bureau of Waste Prevention."

3. In the definition of "SOLID WASTE DISPOSAL FACILITY," delete "Massachusetts Department of Public Health" and replace with "Massachusetts Department of Environmental Protection, Division of Solid Waste."

4. In the definition of "TEMPORARY STRUCTURE," delete "intensity schedule of Article IV" and replace with "Table of Dimensional Requirements."

; or act in relation thereto

Community Development Coordinator

Article 27. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Attachment 1, Use Regulation Schedule, subsection C, Commercial Uses, by renumbering #29 Health Club to #30 Health Club

; or act in relation thereto.

Community Development Coordinator

Article 28. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Attachment 2, Table of Dimensional Requirements, Note 4:

1. Amend Note 4 by inserting the bolded text: "Increase to 100 feet when **such yard is** abutting a residentially used or zoned property."

2. Delete Note 4 from 'Minimum Yard Requirements, Front,' in the IA and IS Districts;

; or act in relation thereto

Community Development Coordinator

Article 29. To see if the Town will vote to amend Section 195, Attachment 1, Use Regulation Schedule, of the Chelmsford Zoning By-Law, by deleting "self-storage mini-warehouse" from D. Industrial, #3 "Wholesale, Warehouse, Self-storage Mini Warehouse or Distribution facility", and creating a new use #13 "Self-storage mini-warehouse" which use shall be permitted by Planning Board special permit in the CB Roadside Commercial and IA Limited Industrial zoning districts and prohibited in all other zoning districts;

or act in relation thereto.

Petition

Article 30. To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise, an interest in real property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Parkhurst Road Signalization prepared by Vanasse, Hangen Brustlin" a copy of which is on file in the Office of the Town Clerk and is incorporated herein by reference, and to raise and appropriate, or transfer and appropriate, a certain sum of money for said acquisition; and or act in relation thereto.

Board of Selectmen

Article 31. To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise an interest in real property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Dalton Road Signalization prepared by Vanasse, Hangen Brustlin" a copy of which is on file in the Office of the Town Clerk and is incorporated herein by reference, and to raise and appropriate, or transfer and appropriate, a certain sum of money for said acquisition; or act in relation thereto.

Board of Selectmen

Article 32. To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise an interest in real property located in the Town of Chelmsford, Massachusetts, and further described and shown on a plans entitled "Plan of Land in Chelmsford, MA, Property of Michael Crapulli" dated May 19, 2004 prepared by Hancock Associates" a copy of which is on file in the Office of the Town Clerk and is incorporated herein by reference, and to raise and appropriate, or transfer and appropriate, a certain sum of money for said acquisition; or act in relation thereto.

Board of Selectmen

Article 33. To see if the Town will vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Archambault Way

Arrowhead Circle

Buttercup Lane

Lady Slipper Lane

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

Board of Selectmen

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 16 th day of March, 2005

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Stuart G. Weisfeldt, Chairman

Philip M. Eliopoulos, Vice Chairman

Thomas A. Newcomb, Clerk

William F. Dalton

Michael F. McCall

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 25, 2005.

Thursday, April 28, 2005 at 7:30 p.m.

Monday, May 2, 2005 at 7:30 p.m.

Thursday, May 5, 2005 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 17, 2005

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

WARRANT FOR SPECIAL TOWN MEETING
APRIL 25, 2005

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford, on Monday, the twenty-fifth of April at 8:00 p.m. in the evening then and there to act upon the following articles, VIZ:

Article 1. To see if the Town will vote to amend the Fiscal Year 2005 operating budget under Article 9 of the Annual Spring Town Meeting held on April 26, 2004 as amended by Article 6 of the Annual Fall Town Meeting held on October 18, 2004 as follows:

Decrease Line Item #4, Nashoba Tech High School, by a certain sum
Decrease Line Item #18, Interest, by a certain sum
Increase Line Item #2 Municipal Administration Expenses, by a certain sum
Increase Line Item #5, Public Safety, Personnel Services, by a certain sum
Increase Line Item #16, Undistributed, by a certain sum

And that the Town transfer a certain sum from available funds to defray such charges; or act in relation thereto.

Submitted By: Town Manager

Article 2. To see if the Town will vote to accept the provisions of General Laws c. 40, section 15A, second paragraph, and further to transfer the care, custody, control and management from the Board of Selectmen currently held for general municipal purposes to the Board of Selectmen for the purpose of conveyance of land located on Putnam Road as follows: a parcel consisting of 2.55 acres more or less, Assessors' Map No.12, Block No. 17, Lot No. 4; a parcel consisting of 28,314 sq. ft., Assessors' Map No. 12, Block No. 17, Lot No.1 ; and a parcel consisting of 16,553 sq. ft. Assessors' Map No. 12, Block 17, Lot 5, and further to authorize the Board of Selectmen to convey said parcel to the Chelmsford Housing Authority for affordable housing purposes, for such consideration as the Board of Selectmen shall determine, it being the intent of Town Meeting that the proceeds received by the Town for said conveyance shall be appropriated to the Stabilization Fund at a future town meeting when such proceeds become available for appropriation, or to take any other action relative thereto.

Submitted By: Board of Selectmen

Article 3. To see if the Town will vote to accept the provisions of General Laws Chapter 40, section 22F, which allows town boards and officers to fix reasonable fees for licenses, permits, and certificates, and reasonable fees for services provided by such board or officer; or to take any action relative thereto.

Submitted by: Town Manager

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 7th th day of April, 2005

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Philip M. Eliopoulos, Chairman

William F. Dalton, Vice Chairman

Michael F. McCall, Clerk

Thomas A. Newcomb

Samuel P. Chase

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 25, 2005.

Thursday, April 28, 2005 at 7:30 p.m.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. April 8, 2005

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

Town of Chelmsford
Annual Town Election April 5, 2005

*re-election

MODERATOR 3 yr (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	103	39	107	51	88	103	122	96	99	**808**
DENNIS E McHUGH *	361	176	313	222	258	400	392	385	313	**2,820**
WRITE-INS	0	0	0	0	0	0	3	0	0	**3**
MISC WRITE-INS	0	1	2	3	0	4	0	1	1	**12**
TOTAL	**464**	**216**	**422**	**276**	**346**	**507**	**517**	**482**	**413**	**3,643**

SELECTMAN 3 Yr (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	8	8	27	9	25	20	27	20	13	**157**
RICHARD P McCLURE	76	48	77	62	51	136	99	99	75	**723**
SAMUEL P CHASE	269	106	190	136	162	193	273	264	220	**1,813**
ALEXANDER E BUCK	111	54	128	69	108	158	118	99	105	**950**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**464**	**216**	**422**	**276**	**346**	**507**	**517**	**482**	**413**	**3,643**

SCHOOL COMMITTEE 3 Yr (2)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	207	102	191	125	138	221	205	184	197	**1,570**
CHRISTOPHER T. GARRAHAN, III	156	59	171	97	119	164	138	155	137	**1,196**
ANGELO J TARANTO*	292	163	276	193	197	359	371	346	273	**2,470**
KATHERINE H DUFFETT	271	108	201	137	238	269	320	279	219	**2,042**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	2	0	5	0	0	1	0	0	0	**8**
TOTAL	**928**	**432**	**844**	**552**	**692**	**1,014**	**1,034**	**964**	**826**	**7,286**

Annual Town Election April 5, 2005

LIBRARY TRUSTEE-3 YRS (3)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	522	236	503	320	392	581	554	514	453	**4,075**
ERIC T GROVES*	257	132	254	159	213	292	301	290	248	**2,146**
ELIZABETH A McCARTHY*	329	145	252	185	219	343	356	330	274	**2,433**
MARGARET E MARSHALL*	283	135	256	164	213	303	338	312	260	**2,264**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	1	0	1	0	1	2	2	0	4	**11**
TOTAL	**1,392**	**648**	**1,266**	**828**	**1,038**	**1,521**	**1,551**	**1,446**	**1,239**	**10,929**

LIBRARY TRUSTEE-1 YR (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	162	63	151	83	120	145	173	149	141	**1,187**
LINDA K HUBBARD	301	152	271	192	225	361	344	332	271	**2,449**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	1	1	0	1	1	1	0	1	1	**7**
TOTAL	**464**	**216**	**422**	**276**	**346**	**507**	**517**	**482**	**413**	**3,643**

BOARD OF HEALTH 3 Yr (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	158	63	144	85	112	144	154	136	147	**1,143**
PETER DULCHINOS *	306	153	275	190	234	360	362	345	266	**2,491**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	3	1	0	3	1	1	0	**9**
TOTAL	**464**	**216**	**422**	**276**	**346**	**507**	**517**	**482**	**413**	**3,643**

Annual Town Election April 5, 2005

PLANNING BOARD 3 Yr (2)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	252	123	291	130	195	300	322	254	211	**2,078**
ANN B McGUIGAN	238	114	185	139	185	245	252	224	208	**1,790**
EDMOND N ROUX	173	77	158	125	120	210	184	200	131	**1,378**
ROBERT C MORSE*	264	118	210	158	191	259	276	285	273	**2,034**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	1	0	0	0	1	0	0	1	3	**6**
TOTAL	**928**	**432**	**844**	**552**	**692**	**1,014**	**1,034**	**964**	**826**	**7,286**

PLANNING BOARD ALTERNATE 2Yr(1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	186	71	180	102	139	184	196	163	163	**1,384**
S GEORGE ZAHAROOLIS	278	145	242	173	207	322	319	319	249	**2,254**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	1	0	1	2	0	1	**5**
TOTAL	**464**	**216**	**422**	**276**	**346**	**507**	**517**	**482**	**413**	**3,643**

SEWER COMMISSION 3 Yr (2)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	335	126	301	183	247	331	367	320	313	**2,523**
JOHN F SOUZA*	300	156	272	193	224	363	326	321	263	**2,418**
RICHARD J DAY*	293	150	271	176	220	318	339	323	250	**2,340**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	1	2	2	0	0	**5**
TOTAL	**928**	**432**	**844**	**552**	**692**	**1,014**	**1,034**	**964**	**826**	**7,286**

Annual Town Election April 5, 2005

HOUSING AUTHORITY 5 Yr (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	148	55	157	86	113	141	156	136	138	**1,130**
DENISE MARCAURELLE	314	159	264	189	232	365	359	346	275	**2,503**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	2	2	1	1	1	1	2	0	0	**10**
TOTAL	**464**	**216**	**422**	**276**	**346**	**507**	**517**	**482**	**413**	**3,643**

CEMETERY COMMISSION 3 Yr (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	165	63	156	88	114	148	178	148	150	**1,210**
PETER S PEDULLA	299	153	266	187	231	357	339	334	262	**2,428**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	1	1	2	0	0	1	**5**
TOTAL	**464**	**216**	**422**	**276**	**346**	**507**	**517**	**482**	**413**	**3,643**

PCT 1 REP TOWN MTG MBR 3 Yr (6)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	961	0	0	0	0	0	0	0	0	**961**
MARIAN D CURRIER*	244	0	0	0	0	0	0	0	0	**244**
KAREN I KOWALSKI	193	0	0	0	0	0	0	0	0	**193**
WILLIAM E SPENCE*	226	0	0	0	0	0	0	0	0	**226**
ROBERT P JOYCE*	180	0	0	0	0	0	0	0	0	**180**
RUTH E LUNA	150	0	0	0	0	0	0	0	0	**150**
CYNTHIA J KAPLAN*	195	0	0	0	0	0	0	0	0	**195**
ANTHONY V VOLPE*	184	0	0	0	0	0	0	0	0	**184**
ANN B McGUIGAN	189	0	0	0	0	0	0	0	0	**189**
ELIZABETH A McCARTHY*	262	0	0	0	0	0	0	0	0	**262**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**2,784**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2,784**

Annual Town Election April 5, 2005

PCT 2 REP TOWN MTG MBR 3Yr (6)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	474	0	0	0	0	0	0	0	474
MARY JO WELCH*	0	146	0	0	0	0	0	0	0	146
KEVIN A GODDU	0	123	0	0	0	0	0	0	0	123
GEORGE L MERRILL*	0	145	0	0	0	0	0	0	0	145
THOMAS F SHEA	0	124	0	0	0	0	0	0	0	124
PATRICIA E KAHL*	0	134	0	0	0	0	0	0	0	134
BRUCE J HARPER, SR*	0	150	0	0	0	0	0	0	0	150
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	0
TOTAL	**0**	**1,296**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1,296**

PCT 2 REP TOWN MTG MBR 2 Yr Un Exp (1)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	58	0	0	0	0	0	0	0	58
JOHN R SCOTT	0	158	0	0	0	0	0	0	0	158
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	0
TOTAL	**0**	**216**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**216**

PCT 3 REP TOWN MTG MBR 3 Yr (6)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	999	0	0	0	0	0	0	999
THOMAS E MORAN*	0	0	255	0	0	0	0	0	0	255
D LORRAINE LAMBERT*	0	0	258	0	0	0	0	0	0	258
GEORGE R DIXON, JR*	0	0	238	0	0	0	0	0	0	238
MICHAEL F CURRAN*	0	0	253	0	0	0	0	0	0	253
MICHAEL F McCALL*	0	0	259	0	0	0	0	0	0	259
JOHN P EMERSON, JR*	0	0	266	0	0	0	0	0	0	266
WRITE-INS	0	0	0	0	0	0	0	0	0	0
MISC WRITE-INS	0	0	4	0	0	0	0	0	0	4
TOTAL	**0**	**0**	**2,532**	**0**	**0**	**0**	**0**	**0**	**0**	**2,532**

Annual Town Election April 5, 2005

PCT 4 REP TOWN MTG MBR 3Yr (6)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	793	0	0	0	0	0	**793**
BRIAN P LATINA*	0	0	0	170	0	0	0	0	0	**170**
MARLENE COTE*	0	0	0	151	0	0	0	0	0	**151**
HENRY A HOULE*	0	0	0	164	0	0	0	0	0	**164**
JOHN G COPPINGER*	0	0	0	164	0	0	0	0	0	**164**
SCOTT E JOHNSON*	0	0	0	180	0	0	0	0	0	**180**
JOEL KARP (write-in Candidate)	0	0	0	19	0	0	0	0	0	**19**
KATHLEEN SULLIVAN	0	0	0	2	0	0	0	0	0	**2**
ALEXANDER BISSET	0	0	0	2	0	0	0	0	0	**2**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	11	0	0	0	0	0	**11**
TOTAL	**0**	**0**	**0**	**1,656**	**0**	**0**	**0**	**0**	**0**	**1,656**

PCT 5 REP TOWN MTG MBR 3 Yr (6)	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	863	0	0	0	0	**863**
EVELYN S THOREN*	0	0	0	0	191	0	0	0	0	**191**
STACEY WOJTAS	0	0	0	0	211	0	0	0	0	**211**
GLENN R THOREN*	0	0	0	0	183	0	0	0	0	**183**
CHERYL M PERKINS*	0	0	0	0	199	0	0	0	0	**199**
MARY C AMIRAULT	0	0	0	0	217	0	0	0	0	**217**
JON H KURLAND	0	0	0	0	210	0	0	0	0	**210**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	2	0	0	0	0	**2**
TOTAL	**0**	**0**	**0**	**0**	**2,076**	**0**	**0**	**0**	**0**	**2,076**

Annual Town Election April 5, 2005

3 Yr (6)

PCT 6 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	1,213	0	0	0	**1,213**
MARY E FRANTZ*	0	0	0	0	0	316	0	0	0	**316**
ALEXANDER E BUCK*	0	0	0	0	0	329	0	0	0	**329**
NORMAN J AUBERT, JR*	0	0	0	0	0	269	0	0	0	**269**
HOWARD J HALL*	0	0	0	0	0	286	0	0	0	**286**
JOHN P KIVLAN*	0	0	0	0	0	350	0	0	0	**350**
RALPH M NEBALSKI*	0	0	0	0	0	275	0	0	0	**275**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	4	0	0	0	**4**
TOTAL	**0**	**0**	**0**	**0**	**0**	**3,042**	**0**	**0**	**0**	**3,042**

3 Yr (6)

PCT 7 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	0	1,326	0	0	**1,326**
STRATOS G DUKAKIS*	0	0	0	0	0	0	300	0	0	**300**
CLARE L JEANNOTTE	0	0	0	0	0	0	290	0	0	**290**
PETER DULCHINOS*	0	0	0	0	0	0	299	0	0	**299**
PAUL F GLEASON*	0	0	0	0	0	0	285	0	0	**285**
JOYCE E JOHNSON	0	0	0	0	0	0	292	0	0	**292**
PAMELA L ARMSTRONG*	0	0	0	0	0	0	306	0	0	**306**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	0	4	0	0	**4**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**3,102**	**0**	**0**	**3,102**

3 Yr (6)

PCT 8 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	0	0	945	0	**945**
WILLIAM C CURRY*	0	0	0	0	0	0	0	273	0	**273**
WALTER A CLEVEN*	0	0	0	0	0	0	0	305	0	**305**
ANGELO J TARANTO*	0	0	0	0	0	0	0	328	0	**328**
DEBORAH VILLANO*	0	0	0	0	0	0	0	235	0	**235**
GAIL T ZAHAROOLIS*	0	0	0	0	0	0	0	246	0	**246**
JENNIFER C CONNOR	0	0	0	0	0	0	0	258	0	**258**
DENNIS J READY	0	0	0	0	0	0	0	301	0	**301**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	0	0	1	0	**1**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2,892**	**0**	**2,892**

3 Yr (6)

PCT 9 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	0	0	0	840	**840**
LEONARD E WESTGATE*	0	0	0	0	0	0	0	0	237	**237**
TERESA S CONRAD	0	0	0	0	0	0	0	0	237	**237**
JOHN G HARRINGTON*	0	0	0	0	0	0	0	0	247	**247**
JAMES L HICKEY*	0	0	0	0	0	0	0	0	240	**240**
MARY A GREGOIRE	0	0	0	0	0	0	0	0	207	**207**
SUSAN B GRAVES*	0	0	0	0	0	0	0	0	248	**248**
WILL L PERRY*	0	0	0	0	0	0	0	0	220	**220**
WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	0	0	0	0	0	0	0	2	**2**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2,478**	**2,478**

Reps in order by vote

Pct 1 * re-election Top (6) Win

Elizabeth A.	McCarthy*	262
Marian D.	Currier*	244
William E.	Spence*	226
Cynthia J.	Kaplan*	195
Karen I.	Kowalski	193
Ann B.	McGuigan	189
Anthony V.	Volpe*	184
Robert P.	Joyce*	180
Ruth E.	Luna	150

Pct 2 * re-election Top (6) Win

Bruce J.	Harper, Sr*	150
Mary Jo	Welch*	146
George L.	Merrill*	145
Patricia E.	Kahl*	134
Thomas F.	Shea	124
Kevin	Goddu	123

Pct 3 * re-election Top (6) Win

John P.	Emerson, Jr *	266
Michael F.	McCall*	259
D. Lorraine	Lambert *	258
Thomas E.	Moran*	255
Michael F.	Curran*	253
George R.	Dixon Jr *	238

Pct 4 * re-election Top (6) Win

Scott E.	Johnson*	180
Brian P.	Latina*	170
John G.	Coppinger*	164
Henry A.	Houle*	164
Marlene	Cote*	151
Joel	Karp Write-in	19

Pct 5 * re-election Top (6) Win

Mary C.	Amirault*	217
Stacey	Wojtas	211
Jon H.	Kurland	210
Cheryl M.	Perkins*	199
Evelyn S.	Thoren*	191
Glenn R.	Thoren*	183

Pct 6 * re-election Top (6) Win

John P.	Kivlan*	350
Alexander E.	Buck*	329
Mary E.	Frantz*	316
Howard J.	Hall*	286
Ralph M.	Nebalski*	275
Norman J.	Aubert Jr*	269

Pct 7 * re-election Top (6) Win

Pamela L.	Armstrong*	306
Stratos G.	Dukakis*	300
Peter	Dulchinos*	299
Joyce E.	Johnson	292
Clare L.	Jeannotte	290
Paul F.	Gleason*	285

Pct 8 * re-election Top (6) Win

Angelo J.	Taranto*	328
Walter A.	Cleven*	305
Dennis J.	Ready	301
William C.	Curry*	273
Jennifer C.	Connor	258
Gail T.	Zaharoolis*	246
Deborah	Villano*	235

Pct 9 * re-election Top (6) Win

Susan B.	Graves*	248
John G.	Harrington*	247
James L.	Hickey*	240
Teresa S.	Conrad	237
Leonard E.	Westgate*	237
Will L.	Perry*	220
Mary A.	Gregoire	207

ANNUAL TOWN MEETING
April 25, 2005

The Annual Town Meeting was called to order at 7:40 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. There were **151** Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Koplemen and Paige would be Jason Talerman. The Moderator then asked for a moment of silence in honor of Kathleen (Kay) Curran, former Town Meeting Representative for Precinct 5 Selectman Philip M. Eliopoulos moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. Motion carried, unanimously. Selectman Philip M. Eliopoulos moved that the reading of the entire warrant be waived. Motion carried, unanimously. From time to time various non resident town employees may need to address the Body regarding certain issues. He asked that Bruce Forrester and Gary Persichetti of the School Department and Jorge Cruz from Flansburgh Associates Inc of Boston, Architect for the School Building Committee be given permission from the Body to speak if called upon. Motion carried, unanimously. He then further introduced William Fulton and Derek Donegan, who are the newest members to the Finance Committee.

UNDER ARTICLE 1. Selectman Philip M. Eliopoulos moved that the Town vote to hear reports of the Town Officers and Committees.

The Town Manager pointed out that there are a number of booklets available in the back of the hall concerning the budget. Also, as per request from the pre-town meeting, a listing of the present CB zones. He said that normally he reviews the financial condition of the Town, however, this will be done when he presents the budget. He then introduced Patrick Maloney of the School Building Committee and asked him to come forward and give the committee's report on the progress that has taken place since the October meeting.

Patrick Maloney gave a list of the current committee members. The purpose of this report was to give a history of the project as well as the current scope of the budget and the proposed schedule. The Committee has accomplished so far to; go after state reimbursement, design to budget, streamline bid packages and moved quickly to save on escalation costs. He went over the items that were going to be done and or eliminated. He explained that after reviewing the proposed improvement list a priority list was formed and will be followed. He gave an example of new furniture and lockers. The current furniture and lockers are in good shape an they will be used. This will allow money to be spent elsewhere. He went over the improvements that will be done at the High School and the two Middle Schools. Gary Persichette has been extremely successful in obtaining rebates on a variety of the energy improvements, most recently $30,000. The Committee is hoping to obtain more of these types of rebates as the project progresses. The Moderator asked if Mr Maloney would be able to conclude his report due to the special town meeting schedule for 8PM. He asked that the architect for the project be allowed to address the body. The Moderator said that he could after the Special Town Meeting was over, he would return to the Annual Meeting and at that time the School Building Committee would continue.

The Moderator declared a recess at 8PM in order to take up the posted Special Town Meeting. The Annual Town Meeting will continue at the conclusion of the Special Town Meeting.

SPECIAL TOWN MEETING
April 25, 2005

The Special Town Meeting was called to order at 8:01 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. . There were **151** Town Meeting Representatives present. Selectman Philip M. Eliopoulos moved that the reading of the Constable's return of the Special Town Meeting warrant be waived. Motion carried, unanimously. Selectman Philip M. Eliopoulos moved that the reading of the entire Special warrant be waived. Motion carried, unanimously.

UNDER ARTICLE 1. Town Manager Bernard F. Lynch moved that the Town vote to amend the Fiscal Year 2005 operating budget under Article 9 of the Annual Spring Town Meeting held on April 26, 2004 as amended by Article 6 of the Annual Fall Town Meeting held on October 18, 2004 as follows:

Decrease Line Item #4, Nashoba Tech High School, by $47,971
Decrease Line Item #18, Interest, by $50,000
Increase Line Item #2 Municipal Administration Expenses, by $25,000
Increase Line Item #5, Public Safety, Personnel Services, by $125,000
Increase Line Item #16, Undistributed, by $75,000

And that the Town transfer $127,029 from Overlay Surplus to defray such charges.

The Town Manager explained the purpose of the article. He went over the list specifying the reasoning for the increase or decrease in a budget. Under Municipal Administration Expenses it was for the Assessors Office. The department needed more money in order to allow the current vendor to collect the personal property tax, 1/3 of the Town had been done last year. The goal was to complete the other 2/3's which would bring in an additional $600,000 in revenue. The increase to Public Safety, Personnel Services was in the Police department for over-time based on cases and due to retirement of employees. The Increase in Undistributed was due to the rising cost of the Town's health plan due to new enrollments. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 2 Selectman Philip M. Eliopoulos moved that the Town vote to accept the provisions of General Laws c. 40, section 15A, second paragraph, and further to transfer the care, custody, control and management from the Board of Selectmen currently held for general municipal purposes to the Board of Selectmen for the purpose of conveyance of land located on Putnam Road as follows: a parcel consisting of 2.55 acres more or less, Assessors' Map No.12, Block No. 17, Lot No. 4; a parcel consisting of 28,314 sq. ft., Assessors' Map No. 12, Block No. 17, Lot No.1 ; and a parcel consisting of 16,553 sq. ft. Assessors' Map No. 12, Block 17, Lot 5, and further to authorize the Board of Selectmen to convey said parcel to the Chelmsford Housing Authority for affordable housing purposes, for such consideration as the Board of Selectmen shall determine, it being the intent of Town Meeting that the proceeds received by the Town for said conveyance shall be appropriated to the Stabilization Fund at a future town meeting when such proceeds become available for appropriation.

The Town Manager explained that this was a piece of Town property located behind this building near the Delaney Terrace and North Village elderly housing on Sheila Ave. The State has money available for elderly housing units and the Town should take advantage of this opportunity. The Housing Authority would pay the Town $250,000 to $300,000 for the property. The money would be transferred

into the stabilization fund. This would allow the fund to be built back up and fulfill the Town definite need to build more elderly housing. Brian Latina questioned if units built under the 40B guidelines must be built to be compliance with the ADA Act. Town Counsel Jason Talerman explained that units are built to be adaptable to the ADA purposes, then if a proposed buyer needs to have ADA modifications then this is done at no expense to the buyer. Single family homes do not need to be ADA compliance regardless of the fact that they may be subsidized through 40B. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **The Chair recognized the 2/3's vote by-law, the motion carried.**

UNDER ARTICLE 3 Town Manager Bernard F. Lynch moved that the Town vote to accept the provisions of General Laws Chapter 40, section 22F, which allows town boards and officers to fix reasonable fees for licenses, permits, and certificates, and reasonable fees for services provided by such board or officer.

The Manager explained the Legislature had provided this as a means for the Town's to have flexibility in setting their fees. This would allow the Board of Selectmen to increase departmental fees when necessary without seeking a Town Meeting vote to amend the Town's general by-law and go through the process of approval. He said that the Town Clerk's fees hadn't been increased since 1990. It's not a tremendous amount of revenue, however, it will keep the Town in line with what other surrounding towns are charging for the same item and level of service. The Sealer of Weights and Measures made have to increase his/her fees from time to time because the position is shared with other communities. Clare Jeannotte questioned the need, didn't the Selectmen do a comprehensive study of the fees charged a few years ago. The Manager said that was specifically investigating the fees for liquor licenses and building permits. There is case law which sets parameters on just how high fee's can be. Karen Kowalski questioned if this was open ended. Case law would prevent this from happening. The purpose is to avoid fees being set and not raised again for fifteen years. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

The Moderator declared the Special Town Meeting closed and re-opened the recessed Annual Town Meeting at 8:20 PM. Patrick Maloney continued with his report.

UNDER ARTICLE 1 con't

Patrick Maloney continued with his report. He went over the cost/budget of the projects. He said that there is money budgeted for $400,000 in case the capital planning article in regards to the relocation of the School Department's central office fails. There is also $230,000 in this budget that is on hold for the relocation, it is not for the Committee's use. This would provide swing space. If the capital budget passes then the Committee will take some of this money back. The total estimate is $32,580,978. The original budget was $31,000,000. They will have to draw on $1,200,000. over two years from capital funds Which will give a total of $32,200,000 and it is still over budgeted by of $380,978. If a positive vote is achieved under the capital budget, then half of the budget gap would be taken care of. There is a generous contingency fund, 5% has been set aside for new work and 10% for renovation work. The Committee has come a long way over the design phase and have cut millions of dollars off of the project. Jorge Cruz from Flansburgh Associates Inc of Boston, is the project Architect and went over the design plans. Patrick Maloney finished by saying that the Committee estimates completion entirely by early 07. He listed the projects already completed, and praised Flansburgh Associates and Turner Construction, and thanked the Body.

UNDER ARTICLE 2. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate, $150,000 to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6.

The Manager explained that this is a standard article; its purpose is to enable the Finance Committee to make emergency transfers for Departments when unforeseen expenses arise through the fiscal year. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. Motion carried, unanimously.

UNDER ARTICLE 3. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $25,000 for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998.

The Manager explained that this too is another standard article. The Town has purchased land where it gets all its sand. The payments were to be made over a ten year time frame. The land will be paid off in 2008, there is approximately ten to twelve years of sand left. It has been a good investment. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 4. The Moderator declared that there was no motion to act on at this time and he proceeded with the meeting. (The article was worded: Town Manager Bernard F. Lynch moved that the article be withdrawn. Town vote to raise and appropriate _____ to meet bills from previous years.)

UNDER ARTICLE 5. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate$32,000 to engage a private accounting firm to prepare an audit of all accounts in all departments in the Town of Chelmsford.

The Manager explained that in the future, this article will no longer appear on the warrant. It will be included in the Accounting Department's budget. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 6. Town Manager Bernard F. Lynch moved that the Town vote to transfer $7,500 from Conservation fees under Wetlands Special Reserve Fund to reduce the Conservation Commission Budget for Fiscal Year 2006.

The Manager explained that this process has been done for the last seven to nine years. Money is collected from fees then transferred into the budget to offset the cost. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 7. Town Manager Bernard F. Lynch moved that the Town vote to transfer $2,000,000 from the Stabilization Fund to be used to offset that portion of debt and interest in the Fiscal Year 2006 Budget.

The Manager explained that this practice has only been done over the last couple of years. In the past the money had been used as a rainy day account to offset the cost of Facility projects, Library, Police Station, and Center School etc. He has concerns about the future of the stabilization fund. In 2002 there was $8 million in the account, now there is just under $4 million. At this rate of depletion, the account could be wiped out by 2012, which is problematic. He showed a chart which explained the amounts going in and coming out over the course of the next few years. He is hoping to put $1 million back into the fund this year. Then in FY07 put $2 million back into the fund. The target is to put in 5% of the operating budget in the account each year. The Town must abide by the shown plan, which limits the amount taken out, and requires money to be reinvested back into the fund. Currently he is taking an inventory of the Town's assets and is looking at Town owned land that is sellable. There are many small parcels of 3,000 feet, throughout the Town that can be sold. Dennis Ready questioned the bottom line needed in order to maintain the Town's bond rating. Currently it is at 5% in reserves. The Manager said he'd like to see it at 10%, The Bond rating Companies are very happy to see that the Town has an actual plan. Very few communities have one. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 8. The Moderator read the article in its entirety. The Town Manager said he would give a brief presentation. He would explain what is included within the budget and give an overview of the Town's finances for the upcoming fiscal year. This is not a balanced budget. This is the third time in the last 10-12 years. There is a shortfall of $186,000. Originally, it was $500,000, then that figure was reduced to $275,000, a change was made in appropriations with another reduction of $88,000. This brings the figure to $186,000. He went over the revenue highlights, showing the revenue distribution which is made up from local receipts, available funds, state aid and local taxes. He said many of the surrounding towns are going for over ride votes. This is due to the reduction of state aide which means that the Towns have to fall back on local taxes to fund the budget. There is not much new revenue coming in. At this point most of it is from the Chapter 40B projects. He talked about the State Aid. The formula is not favorable to Chelmsford.. He went over the available funds. The intent of this money is to fund one time projects. He went over the free cash history. He explained the expenditure distribution. He went through the different categories giving the highlights of each.. He talked about the Municipal Facilities category, which is new this fiscal year. This will be a town-wide building maintenance program for all Town and School buildings. Under the Community Services a major adjustment had to be made to the Council on Aging. In the past the Friends of the Senior Center supplemented this budget. They have no funding available; therefore, this budget was increased by $35,000. He said that the State has walked away from its commitment to school funding in Chapter 70 money. Chelmsford was reduced by a million and a half dollars. Under the Undistributed category he talked about the increase of health insurance costs and the employee's retirements program. The School Department makes up 46% of the health insurance. The Town is 20% while retirees are 34%. Health insurance is a problem all over the Commonwealth. He went over the Debt Service. The most expensive is the funding of the Sewer project. He also said that under the Non-Appropriated category the snow and ice amount is not shown. It will be dealt with in at the Fall meeting. There are other items that will have to be addressed. The one time teacher retirements, any union settlements, the cost of employee benefits. He already knows that in FY07 the budget will be $900,000 ,short because the funding that was received this year from the state for motel tax, and the transfers made from the town were one time funding made for FY06. So this will have to be made up, plus any other unpredictable increases, the revenue just isn't keeping pace with the expenses. The Town is trying to avoid service cuts, using technology, buying our street lights. However, it may have to happen. The Manager then turned the presentation over to the School Superintendent, Dr Richard Moser who gave

the school's view. He said that his department will also have problems in FY06 and 07 . The School Committee recommended at their meeting tonight prior to this town meeting, a $41.1 million dollar budget for FY06. The Committee felt that they should live within that budgeted target. Due to the development of a town-wide maintenance program a reduction of $800,563 had taken place. He said in recent years there has not been a dramatic array of increases in salaries and expenses it has been pretty standard. This budget reflects the "fixed cost" increases, such as contractual commitments, utilities or mandated program increases regarding special education. The Town's State Aid has been level funded for the third consecutive year, and the Town is able to target only $600,567 of new monies. The shortfall ranges from $588,000 to $938,000. He touched upon the initiation of the transportation fee. It would be necessary in order to fund the proposed ten additional staff positions. The department is at a cross road on keeping the same level of services. A number of Representatives; Dennis Ready, Karen DeDonato, Dennis Sheehan, Brian Latina, Gary Mathews, Normand Aubert, John Goffin , Eric Groves, Beverly Barrett and Sheila Pichette asked various questions. The Finance Committee recommended the article. The Board of Selectmen recommended the article. A lengthy debate took place. The Moderator asked for a vote by way of a show of hands, **Motion carried**. The article reads as follows:

Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate the sum of $81,628,197 and transfer $400,000 from Overlay Surplus, $75,000 from the Health Insurance Trust Fund, $487,000 from 2005 free cash when certified, $232,305 from Sewer Enterprise Revenues, and $21,212 from Cemetery Trust Fund to defray Town charges for the fiscal period July 1, 2005 to June 30, 2006 according to the following line items:

Municipal Administration	
Personnel Services	$1,324,620
Expenses	$639,410
Chelmsford School Department	$41,100,000
Nashoba Technical High School	$1,197,081
Public Safety	
Personnel Services	$8,394,380
Expenses	$778,881
Public Works	
Personnel Services	$2,086,089
Expenses	$3,565,864
Snow and Ice	$460,000
Sewer Commission Expenses	$5,000
Cemetery	
Personnel Services	$225,385
Expenses	$42,425
Community Services	
Personnel Services	$458,890
Expenses	$167,400
Library	
Personnel Services	$1,022,381

Expenses	$376,469
Undistributed	$13,471,336
Debt	
Principal	$6,584,846
Interest	$2,950,757

UNDER ARTICLE 9. Town Manager Bernard F. Lynch moved that the Town vote to appropriate the following sums to operate the sewer enterprise.

Direct		
Salaries		$ 547,674
Expenses		$1,502,786
Capital Outlay		$ 0
Debt		$ 0
Emergency Reserve		$ 0
Budgeted Surplus		$ 0
	Subtotal	$2,050,460
Indirect		
Administrative Costs		$ 165,947
Employee Benefits		$ 66,358
	Subtotal	$ 232,305
	Total	$2,282,765

$2,050,460 to come from enterprise revenues and $232,305 to be appropriated in the general fund and funded from sewer enterprise revenues.

The Manager explained that this is the first time that this article has appeared before the body. This will pay for the maintaining of the lines and equipment of the sewage operation. It includes all costs and employees benefits. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 10. The Manager moved to withdraw this article at this time. Motion carried. The article read as follows; Town Manager Bernard F. Lynch moved to withdraw the article. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department for the Fiscal Year 2006.

UNDER ARTICLE 11. Town Manager Bernard F. Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 2006. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip

program. Expenditures from the Senior Trip program revolving fund shall be limited to $300,000 during Fiscal Year 2006.

The Manager explained that the next three articles are about revolving fund accounts. Each would require individual votes. The money to fund the programs etc comes from the collection of fees. No money will come out of the Town's Budget. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 12. Town Manager Bernard F. Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Police Department for Fiscal Year 2006. The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to $30,000 during Fiscal Year 2006.

The Manager explained again this was the same scenario, no cost involved for the Town. As stated in the article the sale from the items will go towards purchasing equipment that is not standard in the new cruisers. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 13. Town Manager Bernard F. Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E1/2 for the Inspection Department for Fiscal Year 2006. The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to $10,000 during Fiscal Year 2006.

The Manager explained that this funds the Sealer and Weights position that is shared with other communities. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 14. Selectman Philip M. Eliopoulos moved that the Town vote to appropriate a certain sum of money for the following capital projects:

Police Department	
Cruiser Replacement	$165,000
Fire Department	
Staff Vehicle Replacements	$32,500
Inspection Department	
Staff Vehicle Replacements	$25,000

DPW	
Road Maintenance	$200,000
6 Wheel Dump Truck	$110,000
Street Sweeper	$118,000
One Ton Dump Truck	$50,000
Library	
Computer Replacement	$35,000
Byam School	
Rooftop Exhaust Fans & Housings	$35,000
Harrington	
Generator Replacement	$67,600
Westlands	
Generator Replacement	$67,600
South Row	
Univent Air Handling Replacement	$386,000
Central Administration	
Expansion and Renovation	$750,000
System Wide Technology	
Computer Network	$400,000

And to transfer the sum of $29,016.12 from unexpended bond proceeds under Article 10 of the Annual Town Meeting of April 27, 2000; transfer $10,846.30 from unexpended bond proceeds under Article 14 of the Annual Town Meeting of May 3, 2001; transfer $5,568.92 from unexpended bond proceeds under Article 16 of the Annual Town Meeting of April 29, 2002; transfer $1,870 from unexpended bond proceeds under Article 13 of the Annual Town Meeting of April 28,2003 transfer $16,320.36 from unexpended bond proceeds under Article 14 of the Annual Town Meeting of April 26,2004;and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow $2,378,077.79 under Massachusetts General Laws Chapter 44, Sections 7 and 8 or any other enabling authority to fund these obligations.

The Manager went over the items. He stated the year of the vehicles that were being replaced. The computers that are being requested under the Library are the ones used by the public, which are in constant use. Questions were raised regarding the School Administration Office relocation to the old Police Station site. Presently the Sewer Operations division is located there. Their trucks must be stored inside so the Manager is presently looking to rent a site that can meet the department's needs. The Administration needs to re-locate from the High School in order to expand the science wing and reclaim the area for classrooms. James Dolan questioned why spend the money for these projects this year if everything is so bad financially. The Manager said that this would not have any impact on this fiscal year's budget. It will affect the FY07 budget. More questions were asked about the relocation of the School Administration Office. Gary Matthews questioned the cost of modular classrooms. $40.00 a square foot. Douglas Gordon said he had been in contact with the UMASS Lowell Campus and they were willing to rent some modular buildings that would be available in June. Isn't this a better solution? It

was felt that in the long term, renovation of the Police Station would be in the Town's best interest. Clare Meannotte asked how many employees are there in the Central Office. The Superintendent went over the list of positions and said nineteen. George Merrill moved to amend the article by deleting Central Administration expansion and renovation $750,000 from the article. He felt that there are too many hidden costs with this expansion. Mary Tiano and Carol Kelly-Suleski spoke in favor of spending the money. Thomas Newcomb the Board of Selectmen's Representative to the School Committee asked for support of the line item. Brian Latina and Douglas Gordon spoke in favor of the amendment. Frances McDougall spoke in favor. Evelyn Thoren Chairman of the School Committee said that the Committee had looked at other alternatives including modular units; however, they felt that this was the best solution. James Young moved the question to stop debate. The Moderator asked for a vote by way of a show of hands, **Motion carried, unanimously.** The Moderator asked for vote by way of a show of hands on the motion to delete the $750,000. **The motion was defeated.** Dennis Ready then moved the question to stop debate on the entire article. The Moderator asked if there was any need to hear further debate. Hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.** The Moderator asked for vote by way of a show of hands on the article. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

Selectman Michael McCall moved that the Town Meeting adjourn to Thursday April 28th at 7:30 PM at the Senior Center. **Motion carried, unanimously.** The meeting adjourned at 11:40 PM.

_____ _____

Dennis J. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
April 28, 2005

The Adjourned Annual Town Meeting was called to order at 7:40 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **142** Town Meeting Representatives present. The Moderator made public announcements concerning the upcoming recycling events on Saturday April 28th. Plus, the 2004 World Series of Baseball Championship Trophy that the Boston Red Sox won last October, would be on display at the Adams Library on Monday May 2nd. He also announced that on Monday October 17th the Fall Town Meeting would begin. He then proceeded with the meeting.

UNDER ARTICLE 15. Selectman Michael McCall moved that the Town vote to transfer $18,000 from the sale of the Graves and Lots to the Cemetery Improvement and Development Fund.

The Town Manager explained that this is an annual article and asked for support. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 16. Selectman Michael McCall moved that the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2005 Community Preservation budget and to appropriate from the Community Preservation Fund.

$10,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2006;

and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee:

(1) $45,000 for the acquisition, creation and preservation of open space excluding land for recreational use.

(2) $45,000 for acquisition and preservation of historic resources; and

(3) $45,000 for the creation, preservation and support of community housing.

(4) $290,000 for the Community Preservation Fund FY2006 Budgeted Reserve

Or take any other action relative thereto.

Robert Morse, Chairman of the Preservation Committee explained that this article has been appearing before Town Meeting since 2001. A ½% surcharge is added to the property taxes and then the State matches the amount raised. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 17. Selectman Michael McCall moved that the Town vote to appropriate $27,700 from the Community Preservation Fund Community Housing Reserve, and from the Community

Preservation Fund General Fund for use by the Chelmsford Housing Authority for the purpose of paying a water demand fee from the North Chelmsford Water District to allow the occupancy of the Sheila Avenue low income Senior Housing Development.

David Hedison Executive Director of the Housing Authority explained that when North Village (the recently opened Senior Citizen housing unit behind the Senior Center) was being built, the Housing Authority was assessed a fee of $54,000 from the North Water Department for tying in water service. The Authority didn't realize that they would be charged and when it was submitted to the State, the State refused payment. So an agreement was made and the amount was reduced by the Water Department to be $27,700. He asked that the Body support the article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 18. Selectman Michael McCall moved that the Town vote to appropriate$50,000 from the Community Preservation Fund Historic Preservation Reserve, and from the Community Preservation Fund General Fund, for use by the Garrison House Association for the purpose of preservation of the Hill Jock House.

Robert Morse explained that this House was moved from Boston Road in April of 2004 to its present site on Garrison Road. This was done at the expense of the Garrison House Association, who are in the process of restoring the house. So far the Association has spent $150,000 on windows, clapboards, insulation. This money will go towards further restoration of the building. The Committee fully supports this article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 19. Selectman Michael McCall moved that the Town vote to appropriate $5375 from the Community Preservation Fund Historic Preservation Fund Reserve, and from the Community Preservation Fund General Reserve, for use by the Chelmsford Cemetery Commission for the purpose of the preservation of the Forefathers Burial Ground.

Robert Morse explained this is the Town's oldest cemetery and that this is an ongoing project. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 20. Selectman Philip M. Eliopoulos moved that the Town vote to authorize the Board of Selectmen to alter or eliminate the drainage easements presently located on properties at 2 Meadowcrest Lane (Map/Block/Lot 107/405/11) and 4 Meadowcrest Lane (Map/Block/Lot 107/405/8) in accordance with plan on file in Town Engineer's office.

The Town Manager explained that this drainage easement is located in an area where the residents would like to do some landscaping. It was determined that it could be eliminated without any problem. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 21. Dwight Hayward moved to waive the reading of the article. Motion Carried. The Manager explained that this article had been before the Body before. It was defeated the first time. He said that the purpose of this by-law was to preserve the History of Chelmsford. He cited through the efforts of the Planning Board and the Garrison Association and Sovereign Bank two buildings were saved that were destined to be demolished. Due to these efforts, a piece of Chelmsford's History was preserved. The previous article had said any building over fifty years old slated for demolition old would require the bylaw to be triggered, delaying the demolition and allowing the Commission to research it. The Representatives felt it was asking too much from property owners and wanted it to be more reasonable. The Historic Commission, after working Town Counsel and input from other people as well as various Town Representatives ,revised the bylaw and came up with the proposed bylaw. He described the guidelines that would be in the bylaw. If a significant cause was determined, then a public hearing would be held to determine, if, in fact the building should be preserved. The purpose was to work with the property owner to determine how the building could be preserved. Perhaps move it off site or renovate it in place,or some other step taken. The importance of these buildings should be recognized, because this is the 350th anniversary of the Town as a community. He then showed a comparison of surrounding Towns Historical Commission's by-laws. Numerous questions were asked concerning the enforcement of the bylaw, time period of the delay, the possibility of infringing on property rights by Dennis Sheehan, Jodie Murphy, Donald VanDyne, David McLachlan, William Spence. Fred Merriam of the Historic Commission answered the questions. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried.** The article reads as follows:

Robert Leavitt moved that the Town vote to amend the General Bylaws Chapter 16, Demolition of Buildings, by deleting the following sections:

§ 16.2 Review by Historical Commission and Historic District Commission

A. When an application for a permit for the demolition of a building in whole or in part that is 100 years of age or older is made to the Building Inspector, the applicant shall also furnish a copy of the request to the Chelmsford Historical Commission, and if said building is within the boundaries of the Chelmsford Historic District(s) a copy of the request shall also be furnished to the Chelmsford Historic District Commission.

B. The Chelmsford Historical Commission shall submit written recommendations to the Building Inspector and the Historic District Commission, if applicable, within 14 days of the receipt of an application for a permit to demolish any building in whole or in part that is 100 years or older. The Commission shall base its recommendations upon its review of the historical, archaeological, architectural and/or cultural significance of the structure involved. If the Historical Commission does not submit a written recommendation to the Building Inspector and the Historic District Commission when applicable as provided above, it shall be deemed to have approved the application for a permit.

C. Notwithstanding anything contained in this chapter to the contrary, the powers and duties of the Chelmsford Historic District Commission as established under M.G.L. c. 40C, as amended by Chapter 68, Historic District, of the Code of the Town of Chelmsford, shall not be amended by this chapter.

§ 16.3 Violations and penalties.

Any violation of this chapter shall be punishable by a fine of $200.

And replace with the following:
§ 16-2
A. Intent and purpose.
It is the intent and purpose of this bylaw to preserve and protect from demolition, historically significant buildings and structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the town; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; to seek out persons or entities who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them; and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.
For purposes of the bylaw, the term "demolition" shall mean, any act of pulling down, destroying, moving, removing or razing a building or structure or any portion thereof, including destruction through willful neglect or arson.

B. Procedure.
(1) Notice of Intent to Demolish:
No demolition permit shall be issued for any building or structure that was constructed **seventy-five (75) or more years prior to the year of the application**, other than in conformity with the provisions of this Bylaw. The applicant and/or property owner shall first file an application for a demolition permit with the Inspector of Buildings, and the Inspector of Buildings shall forward a copy of such application within **one (1) week** to the Historical Commission, the Board of Selectmen, and the Planning Board. Such application shall be in the form provided and established by the Inspector of Buildings and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property. If the applicant and/or property owner is unable to specify the exact age of the building or structure, the application shall so state, and shall set forth the best-known estimate of age and the basis for such estimate.

(2) Determination of Significance
A building or structure which was constructed **seventy-five (75) or more years prior to the year of the application** may be deemed to be significant if the Historical Commission, at a public meeting, finds that the building or structure is significant to the architectural, cultural, political, economic or social history of the Town.

(3) Non-Applicability
Upon determination by the Historical Commission that the building or structure is not historically significant, the Historical Commission shall submit a negative finding to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of **sixty (60) days** from the date of submission of the demolition application to the Historical Commission, the Inspector of Buildings may issue the demolition permit.
C. Public Hearing:
Unless the Historical Commission has determined that the building or structure is not historically significant, the Historical Commission shall hold a public hearing to determine if the building or structure is "preferably preserved." The Historical Commission shall hold a public hearing within **forty-five (45) days** from the date of submission of the demolition application to the Commission. Notice of the Public Hearing shall be provided as described in Massachusetts General Laws (M.G.L.) Chapter 40A, § 11. The Historical Commission at the expense of the applicant shall complete the newspaper publication and

abutter notification. Within **fifteen (15) days** of the close of the public hearing, the Historical Commission shall make one of the following determinations:

(1) Preferably Preserved:

If the proposed demolition would be detrimental to the architectural, cultural, political, economic or social heritage or resources of the Town, then such building or structure shall be considered preferably preserved.

(2) Not Preferably Preserved:

If the Commission finds that the building or structure is not preferably preserved, or where less than a complete demolition is being proposed, that the work to be done will not materially diminish its historical significance, the Inspector of Buildings may thereafter allow demolition in accordance with applicable law. The failure of the Historical Commission to issue its written determination within **fifteen (15) days** after the close of the hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

D. Delay of Demolition:

If the Historical Commission determines that the building or structure is preferably preserved, it may impose a demolition delay of up to **twelve (12) months** from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit during the period specified therein. However, such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the applicant and/or property owner: **(i)** has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate same, or **(ii)** has agreed to alternatives to demolition set forth in **Section E**.

E. Alternatives to Demolition

If the Historical Commission imposes a demolition delay as set forth in **Section D** and/or if alternatives to demolition are developed in or after the Public Hearing which are acceptable to the applicant and/or owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such applicant and/or owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town agency, and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

F. Expiration of Demolition Delay

At the end of any period of demolition delay as set forth in this bylaw, including any alternatives agreed upon pursuant to **Section E**, the Historical Commission shall notify the Inspector of Buildings the period of delay has expired, and the applicant and/or property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the Demolition Permit, and pursuant to applicable law.

G. Emergency Demolition.

Nothing in this bylaw shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure that is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

H. Enforcement and Remedies

(1) Enforcement:

The Inspector of Buildings shall have the authority to enforce this bylaw in the manner described in Section 195-100 of the Chelmsford Zoning Bylaw.

(2) Issuance of Building Permit.

No building permit shall be issued or be valid for any parcel or premises upon which a historically significant building or structure, or property has been demolished by an intentional or grossly negligent violation of this bylaw, for a period of up to **three (3) years** after a completion of such demolition.

(3) Multiple remedies:

The remedies and enforcement procedures set forth in this Section may be applied separately or in conjunction with one another.

I. Penalty

Any person violating any of the provisions of this Bylaw shall be fined not more than **three hundred (300) dollars** for each offense. Each day that such violation continues shall constitute a separate offense.

J. Request for Enforcement.

If the Inspector of Buildings is requested in writing to enforce this Bylaw against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, with **fourteen (14) days** of receipt of such request.

K. Historic Districts Act.

If any of the provisions of this by-law shall conflict with the Historic Districts Act, M.G.L. Chapter 4OC, the state statute shall prevail.

L. Validity.

The invalidity of any section or provision of this by-law shall not render invalid any other section or provision of this by-law.

UNDER ARTICLE 22 Planning Board Member Pamela Armstrong moved that the Town vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Section 195-3 Official Zoning Map, by deleting the existing Zoning Map, dated April 24, 1989, with revisions through April 24, 2000, and inserting in its place a revised Zoning Map dated February 2005, which map is available for viewing in the Office of the Town Clerk and the Community Development Office.

Andrew Sheehan Community Developer Officer explained that these articles as well as the next few are housekeeping articles. This particular article is to create a zoning map that will correct all the known deficiencies of the present zoning map and correct any deficiencies brought forth from the computerized generated GIS map. This was done by using the current 1989 zoning map which had been updated numerous times and referring back to the 1963 zoning map which was the most comprehensive map developed with detailed dimensions and boundaries that are relied upon today. He worked with the Town Clerk and they identified and corrected the map. Besides using color to identify the different districts, the biggest change was to add all the public owned land which was far more then what had appeared on the previous map. The Moderator asked for any questions, hearing none he asked if the Finance Committee had a recommendation. Chairman John Kurland said that the board had no recommendation. The Board of Selectmen recommended the article. The Planning Board recommended the article. The Moderator asked if there was any debate. Dennis Ready felt that it was a rule that zoning changes be handled during the Fall Town Meeting, unless it was a petition or an emergency. Brian Latina

uestioned how many people had viewed the map at Town Hall. He felt that there wasn't sufficient nformation and wasn't in favor of voting for something that he hadn't been given the opportunity to eview. He went on and cited other past "housekeeping articles" of rezoning, that had been areas in Town hat had been rezoned or built upon and not enough clarification had been given. He gave an example bout rezoning that had taken place in the Historic district and other changes made regarding signage and ow the historic district is not being protected and because of these examples, this kind of article shouldn't e voted on. Mr Sheehan went to respond to the statement and was cut off by Mr Latina. Mr Sheehan sked the Moderator if he could respond. The Moderator pointed out that Mr Sheehan could respond to larify his point. Mr Latina didn't agree and asked for a point of order that Town Counsel rule if a resenter could clarify a point made by a debater during debate. Richard Bowen Town Counsel from opleman and Paige stated that the Moderator has the power through Chapter 39 sect 15 and 17 to letermine the rules of order that are used for this meeting. That authority is confirmed by state law. If, its he Moderator's determination that it's a point of clarification rather then a point of debate the Moderator's determination stands. Mr Sheehan explained that whether this map is adopted tonight or five ears ago or five years from now or never, it will not affect the points that he had mentioned. Town Meeting had the power to rezone the parcels mentioned in the Historic District. He acknowledged that hat has taken place is not what was expected. But the fact remains, that this article does not alter the levelopment pattern. We're simply adopting a map that reflects the zoning boundaries as they are today othing more nothing less. Brian Latina felt that the clarification wasn't on the points he had made. He elt that the Historic District was not even protected from the State. The "housekeeping article that passed nly benefited a developer. He asked if Mr Sheehan had been approached to by an outside developer to nake these changes or did the Town discover them ourselves, is he aware of anyone out there who will ain from the housekeeping changes. Mr Sheehan said that he was not aware of anyone who would enefit from this. This is a process that has been discussed for a number of years between his office, the ngineer's Office and the Town Clerk's Office. It is a process that up until the development of the GIS ystem would have been done manually with the benefit of the GIS it has taken five to six months to omplete. No one came to the Town and pointed out the discrepancies. They were discovered with the aid f the GIS system or on our own. Dennis Ready moved to table this article until the Fall Town Meeting. he Moderator said that there can be no debate, no amendment, and no reconsideration to this motion. It laces the motion aside. Even though it states that it is to be tabled to the Fall it could in fact be brought ff the table and acted upon at anytime during THIS Town Meeting. Brian Latina made a point of order. Ie cited the Citizens Guide to Town Meeting put out by William Francis Galvin. He had read a section nd he wondered if the Moderator's rule was final. It says that in some areas the Moderator's rule is final. Iis point of order is that a Town Meeting Rep had selected a date and tabled for a date and he believes as Town Meeting Rep that this should be done and he disagrees with the Moderator's opinion and wants to ppeal it. The Moderator responded by saying that Mr Latina was questioning which rules he was going to ollow; Mr Galvin's or the Towns. The Moderator said he was following the Town's. With regards to ppeal, anyone can appeal a decision by following the rules in the Charter. Despite the wording, anyone an take an article from the table, this can be done. Or it could be postponed to a time certain in the uture; if someone wanted to postpone it for a time certain in the future. This is probably a more ppropriate way to word the motion. A motion to table is one that has no debate, the Body can either turn down or pass it. Mr Latina made another point of order. He said it states in the Attorney Generals ocument that a voter of Town Meeting makes a point of order the Moderator rules on the point of order, a oter or town meeting member then says I appeal from the ruling of the Moderator's chair some one else econd. He then said that he appealed the ruling of the Moderator's chair. He asked if he had a second. Ie responded that he had a second. At that point the Moderator said that he had ruled that the Body was oting on the motion to table. He had said that there was no debate, which is what Mr Latina was trying to o. The Moderator declared that Mr Latina was continuing to do so and if he didn't stop then Mr Latina

would be removed from the hall by the Constable. The Moderator asked for a show of hands on the motion to stop debate. This left the Chair in doubt. The tellers were asked to come forward, Dorothy Frawley, Lucy Simonian, John Maleski, Jill Richardson, and conduct a hand count. The result of the hand count: Yes 70 No 62 the **motion carried.**

. **UNDER ARTICLE 23.** Planning Board Member Pamela Armstrong moved that the Town vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Section 195-39.B, Air Quality, by:

deleting the first sentence of this subsection which reads: "No building or occupancy permit shall be issued for any facility specified in Regulation 2.3, Regulations as amended for the Control of Air Pollution in the Merrimack Valley Air Pollution District, Commonwealth of Massachusetts, Department of Public Health, Bureau of Air Quality Control, until written approval for the facility has been obtained from the Department of Public Health."

and inserting:

"No building or occupancy permit shall be issued for any facility subject to regulation under the Massachusetts Air Pollution Control Regulations, 310 CMR 7.00, until compliance with those regulations has been demonstrated and, if applicable, the appropriate permit(s) have been obtained from the Massachusetts Department of Environmental Protection, Bureau of Waste Prevention."

Community Developer Andrew Sheehan explained that this is to change the reference to the State regulation referred in the Zoning By-law as, Commonwealth of Massachusetts, Department of Public Health, Bureau of Air Quality Control to now read Massachusetts Department of Environmental Protection, Bureau of Waster Prevention. He pointed out that it may have been the practice in the past to address zoning articles in the Fall. However, there is no mention in the Charter about Zoning Bylaw articles being addressed strictly in the Fall. It does mention that the Spring meeting shall be devoted to budgetary issues. But, the Body has addressed budgetary items in the Fall as well as zoning articles in the Spring. Dennis Ready questioned the Moderator if he could table all the housekeeping articles. The Moderator said that he had to make a motion to table within each article. Glenn Thoren questioned the tabling process. It is his understanding that if the tabled article isn't removed from the table before this meeting adjourns then it in fact dies and can not be brought back to the Fall Town Meeting unless it is put on the warrant by the Board of Selectmen. The Moderator said that that is correct. Pamela Armstrong asked if because the Agency listed in the current by-law is no longer in existence is the bylaw enforceable, therefore isn't this considered an emergency? One could argue that. Joyce Johnson asked if it states in the Charter that zoning had to be addressed at the Fall Town Meeting. No it does not. Karen D'Anato questioned that in order to act upon Article 22 it would now have to be removed from the table and acted upon tonight? That is correct. Susan Carter questioned that if these articles are tabled and not acted on then would they have to be re-advertised and public hearing process have to done again. Yes it would. Chairman of the Finance Committee John Kurland said that the board had no recommendation on this article or any of the next seven articles. The Board of Selectmen recommended the article. Pamela Armstrong Clerk of the Planning Board said the Board held a public hearing on March 23, 2005 and unanimously recommended the article .The Moderator asked if there was any need to hear further debate. Hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 24. Planning Board Member Pamela Armstrong moved that the Town vote to that the Town amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article IX, Landscaping, Section 195-46, Planted Areas, by adopting the following:

Delete the last sentence in subsection D which reads: "Evergreens shall be a minimum of eight feet in height at the time of planting."

And insert the following new subsection E:

'Evergreens shall be a minimum of eight feet in height at the time of planting and shall be spaced five feet on center when planted in a single row. When planted in a double row, each row of evergreens shall be spaced ten feet on center. These minimum standards may be reduced by the Planning Board, subject to the recommendation of an arborist, landscape architect, or other competent individual. Areas planted in conformance with this subsection shall, at the time of planting, be deemed to comply with the opacity requirement of Section 195-43."

Community Developer Andrew Sheehan explained that this would modify the landscaping requirements for commercial, industrial and multi-family developments. Chairman of the Finance Committee John Kurland said that the board had no recommendation. The Board of Selectmen recommended the article. The Planning Board recommended the article The Moderator asked if there was any need to hear further debate. Hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 25 Dwight Hayward moved to waive the reading of the article. Motion carried, unanimously. Community Developer Andrew Sheehan explained that this is to amend the Site Plan Review process. It would eliminate unnecessary costs to applicants. Chairman of the Finance Committee John Kurland said that the board had no recommendation. The Board of Selectmen recommended the article. Pamela Armstrong Clerk of the Planning Board said the Board held a public hearing on March 23, 2005 and unanimously recommended the article. The Moderator asked if there was any need to hear further debate. Hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.** The article reads as follows:

Planning Board Member Pamela Armstrong moved that the Town vote amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article XIX, Administration and Enforcement, Section 195-104 Site Plan Review, by adopting the following:

1. Section 195-104.A(2), insert the bolded text: "Construction or expansion of a parking lot **resulting in the construction of five (5) or more spaces** for a municipal, institutional, commercial, industrial or multifamily structure or purpose."

2. Section 195-104.G, Minor Site Plan Review: delete the third sentence, which reads: "Minor site plans shall set forth all of the information required by Subsection D; provided, however, that the scale of the site plan may be one foot equals 100 feet, unless greater detail is needed for clarity, and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey or Town of Chelmsford topographic maps."

and insert in its place "Minor site plans shall set forth all of the information required by Subsection D; provided, however, that the scale and contents of the minor site plan may be reduced by the Planning Board."

UNDER ARTICLE 26. Planning Board Member Pamela Armstrong moved that the Town vote o amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article XX Terminology, Section 195-108, Word Usage and Definitions:

1. In the definition of "LOT, FRONTAGE OF" delete the last sentence which reads "Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot."

   The amended definition will read "LOT, FRONTAGE OF - A lot line coinciding with the side line of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two intersecting streets if their angle of intersection is greater than 120°."

2. In the definition of "SANITARY LANDFILL," delete "Massachusetts Department of Public Health" and replace with "Massachusetts Department of Environmental Protection, Bureau of Waste Prevention."

3. In the definition of "SOLID WASTE DISPOSAL FACILITY," delete "Massachusetts Department of Public Health" and replace with "Massachusetts Department of Environmental Protection, Division of Solid Waste."

4. In the definition of "TEMPORARY STRUCTURE," delete "intensity schedule of Article IV" and replace with "Table of Dimensional Requirements."

Community Developer Andrew Sheehan explained that this article's purpose is to update the urrent zoning definitions that appear in the present zoning bylaw book. Chairman of the Finance Committee John Kurland said that the board had no recommendation. The Board of Selectmen ecommended the article. Pamela Armstrong Clerk of the Planning Board said the Board held a public earing on March 23, 2005 and unanimously recommended the article. The Moderator asked if there was ny need to hear further debate. Hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 27. Planning Board Member Pamela Armstrong moved that the Town vote o amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Attachment 1, Use Regulation Schedule, subsection C, Commercial Uses, by renumbering #29 Health Club to #30 Health Club.

Community Developer Andrew Sheehan explained that at the April of 2002 Annual Town Meeting 29 Bakery Retail was added to the Regulation Schedule. In October 2004 it was voted to amend the egulations again by adding #29 Health Club. The error wasn't discovered until the bylaw was being ubmitted to the Attorney General. The bylaw amendment was approved; however, there are presently wo number 29's. This article would make the Health Club number 30, as it should have been Chairman f the Finance Committee John Kurland said that the board had no recommendation. The Board of electmen recommended the article. Pamela Armstrong Clerk of the Planning Board said the Board held public hearing on March 23, 2005 and unanimously recommended the article. The Moderator asked if

there was any need to hear further debate. Hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 28. Planning Board Member Pamela Armstrong moved that the Town vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Attachment 2, Table of Dimensional Requirements,
Note 4:

1. Amend Note 4 by inserting the bolded text: "Increase to 100 feet when **such yard is** abutting a residentially used or zoned property."

2. Delete Note 4 from 'Minimum Yard Requirements, Front,' in the IA and IS Districts;

Community Developer Andrew Sheehan explained that this article should have brought before the Body sooner. It is correcting an interpretation error that exists in the zoning by-law because of a court ruling. The property was on Glen Ave. Any Industrial property that abuts a residential zone or use must currently have a set back of 100 feet on all four sides of the property rather then the standard forty feet. This second part of this amendment would eliminate the 100-foot setback if the residential zone or use is across the street from property that is being developed in a IA or IS district and being developed for commercial, industrial or multifamily use. This change would take in the historical interpretation plus the court case from a few years ago consideration. Dennis Ready had a question about line one. He wanted to know if anyone who lives across the street from any property, which is being developed is considered an abutter. What does the term abutter mean? Andrew Sheehan explained that an abutter means adjacent to the property. Someone across the street from the property in question is not considered an abutter. Joyce Johnson and Peggy Dunn asked questions. Chairman of the Finance Committee John Kurland said that the board had no recommendation. The Board of Selectmen recommended the article. Pamela Armstrong Clerk of the Planning Board said the Board held a public hearing on March 23, 2005 and unanimously recommended the article. The Moderator asked if there was any need to hear further debate. Hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

Karen DeDonato moved to take Article 22 off the table. She felt that it was an important issue that shouldn't have to wait until the Fall to be addressed. Motion carried.

Karen DeDonato then moved for the Moderator to recess the Town Meeting for fifteen minutes in order to allow the Representatives to go to the back of the Hall and view the proposed zoning map. The Moderator asked for a vote by way of a show of hands on the motion to recess. **Motion defeated.**

UNDER ARTICLE 22 The Moderator read the article. Andrew Sheehan the Community Developer explained again that the purpose of this map is to correct any inaccuracies, which have been found. They had been discovered after the GIS map was developed. Some of the boundary lines needed to be adjusted because they were found to be inaccurate from the original intent. No added changes are being done to any district. The intent is to correct and adopt a new map. A number of Representatives asked questions about the boundary lines. They had concerns that any property owner who abuts the area where the corrections were being made were having their land rezoned without their knowledge. Chris Garrahan spoke in favor of the new map. Brian Latina spoke against it. He felt that the Body was not well informed about the changes being made. Zoning is very serious and this article is changing real property. Chairman of the Finance Committee John Kurland said that the board had no recommendation.

The Board of Selectmen recommended the article. The Planning Board recommended the article. More lengthy discussion took place. Elizabeth Marshall moved the question to stop debate. **Motion carried, unanimously.** The Moderator asked for a vote by way of a show of hands. This left the Chair in doubt, the tellers came forward and a hand count was taken. The result of the hand count was Yes 68 No 67 this required a 2/3's vote of 90, the **motion was defeated.**

UNDER ARTICLE 29. George Dixon moved that the Town vote to amend Section 195, Attachment 1, Use Regulation Schedule, of the Chelmsford Zoning By-Law, by deleting "self-storage mini-warehouse" from D. Industrial, #3 "Wholesale, Warehouse, Self-storage Mini Warehouse or Distribution facility", and creating a new use #13 "Self-storage mini-warehouse" which use shall be permitted by Planning Board special permit in the CB Roadside Commercial and IA Limited Industrial zoning districts and prohibited in all other zoning districts; and that a new footnote 15 be added to Section 195, Attachment 1, Use Regulation Schedule, which footnote 15 will apply to a self-storage mini-warehouse in the CB District and which will read: 15. In a CB District, storage units shall be set back 100 feet from the sideline of any street and storage units with doors oriented to a street shall be set back 300 feet from the sideline of said street.

Attorney Elizabeth Ahern, representing the developer Howard Hall and the Chelmsford Elks spoke about the article. This was going to be built on property that the Chelmsford Elks own. The developer was going to lease the land from the Elks. She explained that this area was not going to have the common self storage "orange metal bins" that people relate storage areas to. It would be a three story complex with professional office units in the front which is what would be seen from the street. It would be governed through the special permit process of the Planning Board. This process takes into consideration the neighborhood character, traffic flow and safety and the environmental impact. The Elks want to lease the land and have no interest in developing the land for housing purposes. They want a quiet use for their land and ability to lease the land in order to generate income to re-build and support their many charitable activities. She asked that the Body support the article. Chairman of the Finance Committee John Kurland said that the board had no recommendation. The Board of Selectmen recommended the article. Pamela Armstrong Clerk of the Planning Board said the Board held a public hearing on March 23, 2005 and unanimously recommended the article subject to the amendment that appears in the motion. Thomas Moran spoke against the article. He said that he was not against the Chelmsford Elks. He was against the article because there are other areas in Town that this zoning change could have an impact on. Ann McGuigan said she is speaking as a Town Meeting Representative, not as a Planning Board member. She was the Presiding Justice of the Elks. The use of the land in the article is a lesser use than what it is currently zoned that it would not use any of the Town's resources. It is governed by the rules of the Planning Board on how it can be developed and spoke in favor of the article and asked for support. Glenn Thoren who is a direct abutter to the Elks property spoke in favor. He feels that it is a responsible way to use the property. If this is done correctly it will be unrecognizable, it will be a three story building with a small commercial area in front of it. Compare to what could happen to this property such as gas stations or car repair shops, this will have less environmental impact on the area. Thomas Newcomb asked Attorney Ahern what surrounding Towns allowed this use. She replied, Tyngsboro, Pepperell, Westford and Billerica have it as an overlay district. Philip Eliopoulos questioned the hand out listing the CB areas in the Town. Had the set backs and size of the lots been researched on each site? He was concerned because it would make the Representatives think that these units could go in all the areas shown. Andrew Sheehan said it was just a list of the CB zone areas. No research had been done regarding the size etc. The Manager explained that this information was requested at the pre town meeting. Most of these areas would not be eligible unless a special permit was granted by the Planning Board. Past Planning Board member, Christopher Garraghan spoke in favor of the article. He said that the Planning Board had a lengthy

hearing regarding this project and voted in favor of recommending it. The location is in an area where there is a stretch of commercial use, so it would fit in fine and have any adverse effect to the neighborhood. The Town needs to support the Elks. John Goffin said that he too had served on the Planning Board; however, he felt that that side of the road should not be developed this way. He wasn't against the Elks just the project being offered. Brian Latina spoke against the storage units. He felt that because the trailer park was on one side of the property and the Courtyard condo complex was on the other side, an affordable housing 40B project would be better suited for the Town. Mary Armerault, who lives in the Courtyard condo complex agreed with Glenn Thoren. She said that the residents of the complex along with the Board of Trustees support the article. Charles Hillman representing the Elks spoke in favor of the article. He explained the Elks position. They didn't want to sell the land. They had the opportunity to do so for Affordable Housing. Having a residential project next to a function hall is not a good mix. Even though the Town would gain units for affordable housing it would gain a number of children going into the school system. Other projects would have given the Elks more money. They felt that this was a better solution and situation for the Town. It would have less of an impact then a 40B Housing project. He asked for support of the article. Pamela Armstrong speaking not as a member of the Planning Board Member or the Affordable Housing Committee, but as herself, said that she would have preferred to see Affordable Housing Units on the site. Town needs 456 additional affordable housing units and 1500 marketable rate units. Glenn Thoren said its the Elks property and they have a choice on what they want to do with it and they've chosen this project. He spoke against any Affordable Housing and said that he wanted to see the Storage/Office space built. It has is a less of an impact on him and the surrounding neighbors. Robert Joyce, member of the Planning Board said that the Planning Board had voted 7-0 in favor of the article after much deliberation because it was a good project. James Dolan moved the question to stop debate. The Moderator asked for a show of hands on the motion to stop debate. **Motion carried.** He then asked for a vote by way of a show of hands on the article. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 30. Selectman Philip M. Eliopoulos moved that the Town vote to acquire by purchase, gift, eminent domain, or otherwise, a permanent easement in real property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Parkhurst Road Signalization prepared by Vanasse, Hangen Brustlin" dated Jan 28, 2005 a copy of which is on file in the Office of the Town Clerk and is incorporated herein by reference, and to raise and appropriate, $13,000 for said acquisition.

The Town Manager explained that these next two articles have been in the workings for many years. This article is about a dangerous intersection. Since 2002, there have been fifty seven accidents which resulted in twenty eight injuries. The particular land takings are necessary in order to meet the requirements of the State in order to move forward with the traffic improvement at this location. He showed a plan on the overhead showing the diagram of the design. Purpose is to deal with safety and volume. The State originally wanted three lanes developed in order to deal with the volume of traffic on this roadway. The Town moved away from this in order to address the safety factor and kept the project to two lanes. Evelyn Thoren questioned where the money would come from. The Manager said from available funds in the FY 06 budget. She questioned the land takings. The Manager said it would be 1,400 square feet from the Needles property and 700 feet from the Lynch property and 1,100 from the Church of Christ property. She asked if sidewalks would be installed. Yes they would. The Moderator asked if there were any more questions, hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Cherly Needles spoke about the article. She lives in the 1750 farmhouse with the overgrown front yard. This yard is

overgrown as a buffer for the traffic. This project will effect two sides of her property, North Road and Davis Road. She understands the public concerns regarding the benefits and safety issues of this project. However, she would like to go on record regarding her concerns about compensation, rebuilding of the stonewall and replacement of trees located on the property. The Manager said that the Town has been working with her over the past few weeks addressing her concerns. He wanted the record to show that the wall will be moved and rebuilt and whatever plants and shrubbery she wants as well as compensation will be done. George Merrill of the Historic Commission requested that the scenic aspects of the property be considered. He requested that the original stones be used. They would be. Alan Cote expressed concerns regarding traffic noise and the impact on the property owner. Sam Poulten questioned how wide would the additional lane be. Ten feet was the reply. The set back would be fifteen feet from North Road. How many trees will be removed? Eight to ten, which will be replaced with Lilacs bushes and Evergreens which will create a better screen. The public good must be weighed. The Town works with the property owners in all cases, such as this, to recreate the property as best as we can. Brian Latina expressed concerns that the Representatives were not given maps and more information on the area. He realizes that it is a dangerous intersection; however, he felt that the needs of the property owner should be considered and reviewed more before anything further takes place. The Manager said that the maps are available at Town Hall as stated in the warrant book. If these takings aren't done there will be no traffic devices. The State money will be gone after June. Fran McDougal said that a lot of people have been planning for these lights and that other residents will be affected not just Cheryl Needles. She asked that the Body support the article. Jim Lynch asked if the small island at Davis Rd could be redesigned in order to create a better design. Jim Pearson DPW Director said that this was considered and once researching was done it was discovered that the Water Department had quite an extensive vault of pipes where they change from high pressure to low pressure and need continuous access, so it would be highly impossible to relocate. There would also be more of an impact on the abutters if this could be done. Carol Cleven the Town's past State Legislator said that she had worked for many years with the State in order to get funding for this project as well as the next article. It is a good project, she too felt bad for Cheryl Needles, however, it is something that must be done. She had attended the public hearing and felt that the Town was doing what was best for all residents. Clare Jeannotte moved the question to stop debate. Motion carried, unanimously. The Moderator then asked for a vote by way of a show of hands on the article. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 31. Selectman Philip M. Eliopoulos moved that the Town vote to acquire by purchase, gift, eminent domain, or otherwise a permanent easement in real property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Dalton Road Signalization prepared by Vanasse, Hangen Brustlin" dated Jan 28, 2005 a copy of which is on file in the Office of the Town Clerk and is incorporated herein by reference, and to raise and appropriate, $14,000 for said acquisition.

The Manager said that this is like the previous article. It is part of a package of State monies available and the land taking must be done in order to accomplish the funding. This is a difficult intersection to coordinate because Dalton Road doesn't line up evenly across North Road. So it is a very complex design. A dangerous intersection, fifty three accidents with twenty-seven people injured. There are wetland issues that had to be worked out and he asked for support. Evelyn Thoren questioned the amount of land being taken. The Manager replied there are three parcels. 523sf. would be taken from one, 1,190, from another and 1,127 from the third. How wide is this? At most 10 to 12 feet. How much frontage will be lost and will the stonewall be replaced? The owner will loose 12-15 feet and the stonewall will be replaced. The house will be 30 feet from the road. Chairman of the Finance Committee John Kurland said that the board had no recommendation. The Board of Selectmen recommended the

article. The Moderator asked is there was a need to hear further debate? Hearing none he then asked for a vote by way of a show of hands on the article. **The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law.**

Selectman Philip Eliopoulos made a point of order. He said that seeing it was past 11 O'clock PM, that the Body be able to continue the meeting. The Moderator asked if he could continue the meeting by addressing article 32. **Motion carried.**

UNDER ARTICLE 32. Selectman Philip M. Eliopoulos moved that the Town vote to acquire by purchase, gift, eminent domain, or otherwise a fee simple interest in real property located in the Town of Chelmsford, Massachusetts, and further described and shown on a plans entitled "Plan of Land in Chelmsford, MA, Property of Michael Crapulli" dated May 19, 2004 prepared by Hancock Associates" a copy of which is on file in the Office of the Town Clerk and is incorporated herein by reference, and to raise and appropriate $1.00 for said acquisition.

The Manager explained that this is a piece of property on Riverneck Road. By deeding this property over to the Town (the East Fire station property) it moves it away from the abutter who is directly across the street. It works out for everyone involved because the particular use is Industrial property. If it had been required to be pushed back by 100 feet then all the parking for the heavy equipment would have been located in the front of the building. This taking will allow the building to come forward and all the parking will now be in the back of the building. So, it is better for the neighborhood. He asked for support. Chairman of the Finance Committee John Kurland said that the board had no recommendation. The Board of Selectmen recommended the article. The Moderator asked is there was a need to hear further debate. Hearing none, he then asked for a vote by way of a show of hands on the article. **Motion carried, unanimously.**

The Moderator then asked for a vote by way of a show of hands to continue the meeting. **Motion carried, unanimously.**

The Moderator then asked for a vote by way of a show of hands to waive reading the article. **Motion carried, unanimously.**

UNDER ARTICLE 33. Selectman Philip M. Eliopoulos moved that the Town vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Archambault Way

Buttercup Lane

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and I move that the Town authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and I move that the Town raise and appropriate, $2.00 to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and I move

that the Town authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto.

The Manager explained that each Spring and Fall the Town brings forward acceptance of streets that have been built and met the Planning Board's requirements. Arrowhead Rd, which had been on the warrant when posted, has been removed. After working through the process due to various issues, which have since been addressed, it was discovered that it had already been accepted 17 years ago by Town Meeting. Lady Slipper Lane was removed from the motion because no progress had been made on complying with the process. Buttercup Lane meets the requirements. Archambault Way has some continuing issues and the Town is working with the neighborhood. The Board of Selectmen will not accept it until all the work is completed. The Finance Committee recommended the article. The Board of Selectmen recommended the article The Moderator asked is there was a need to hear further debate? Hearing none, he then asked for a vote by way of a show of hands on the article. **Motion carried, unanimously.**

He announced that the Fall Town Meeting would begin on Monday October 17th and that the Town's 350th Celebration would be continuing throughout the year. Selectman McCall moved to adjourn the meeting sine die. **Motion carried, unanimously.** The meeting adjourned at 11: 10 PM.

Dennis J. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

WARRANT FOR ANNUAL TOWN MEETING
OCTOBER 17, 2005

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the seventeeth of October, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to appropriate $1,000,000 from Free Cash to the Stabilization Fund; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Town Manager

ARTICLE 3. To see if the Town will vote to appropriate from available funds a certain sum of money to the School Department, said funding coming from Medicaid reimbursements; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Committee

ARTICLE 4. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department for the Fiscal Year 2006; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 6. To see if the Town will vote to transfer a certain sum of money from Special Revenue to the School Department, said funding coming from E-Rate reimbursements; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Committee

ARTICLE 7. To see if the Town will vote to amend the Fiscal Year 2006 operating budget under Article of the Annual Town Meeting held on April 25, 2005 as follows:

Increase Line Item #3 Chelmsford Public Schools by $141,700 to $41,241,700

and that the Town raise and appropriate or transfer from available funds a certain sum to defray Town charges for the fiscal period July 1, 2005 to June 30, 2006; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 8. To see if the Town will vote to authorize the Board of Selectmen to accept as a gift a 9.89 acre parcel of land on Technology Drive shown as Lot 19 on Assessors's Map 21, Block 74 containing 9.89 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 1098, Page 67, to be held for general municipal purposes; or act in relation thereto

SUBMITTED BY: **Town Manager**

ARTICLE 9. To see if the Town will vote to authorize the Town Manager to enter into a lease, in accordance with Massachusetts General Laws Chapter 30B, of a portion of a parcel of town-owned land identified as the East Fire Station at 115 Riverneck Road, for telecommunications purposes for a period not to exceed twenty (20) years; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 10. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on Merilda Avenue, shown as Lot 26 on Assessors's Map 26, Block 93 containing 14,253 s.f. more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2334, Page607; or act in relation thereto

SUBMITTED BY: **Board of Selectmen**

ARTICLE 11. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on Russell Road, shown as Lot 2 on Assessors's Map 12, Block 38 containing 506 s.f. more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 1435, Page 72; or act in relation thereto

SUBMITTED BY: **Board of Selectmen**

ARTICLE 12. To see if the Town will vote to amend the General Bylaws by establishing Chapter 124, Recreation Vehicles, to read as follows:

CHAPTER 124: RECREATION VEHICLES

Purpose

The purpose of this Chapter is to promote and protect the health, welfare, and safety of the inhabitants of the Town of Chelmsford by reducing the noise, environmental impacts and other adverse effects associated with the unrestricted operation of Recreation Vehicles. This Chapter is intended to be consistent with the provisions of G.L. c. 90B, §§20-35 and 323 CMR 3.01 et seq., as amended.

Definitions

Dwelling: A building designed and occupied as the living quarters of one or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one or two families, respectively. A multifamily dwelling shall be one designed for and occupied by three or more families.

Operate: To ride in or on and control the operation of, or maintain, suffer or permit the operation of, or to push a Recreation Vehicle, or, in the case of a person who has custody of a minor between the ages of ten and 14, to knowingly permit or suffer the operation of a Recreation Vehicle by such minor between the ages of ten and 14 without direct supervision by a person 18 years old or older; and, when acting as a supervising person under G.L. c. 90B, Section 26, to knowingly permit a person supervised to violate any state law or Town by-law regulating operations.

Owner: A person, other than a lien holder, having the property or title to a Recreation Vehicle entitled to the use or possession thereof.

Recreation Vehicle: Any vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way as defined in G.L. c. 90, and all legally registered motor vehicles when used off a way, as defined under G.L. c. 90. This definition shall include vehicles designated recreation vehicles under G.L. c. 90B, including vehicles commonly known as "Dirt Bikes" and "All-Terrain Vehicles (or "ATVs")." Vehicles used for agriculture, forestry, lumbering or construction shall be excluded from this definition when used for such purpose.

Restrictions on the Operation of Recreation Vehicles

Age Limit: No person under 14 years of age shall operate a Recreation Vehicle except as provided below:

(a) A person between the ages of 12 and 14 years old may operate a Recreation Vehicle if directly supervised (as defined in 323 CMR 3.02) by a person 18 years old or older
(b) A person between the ages of ten and 12 years may operate a Recreation Vehicle if directly supervised (as defined in 323 CMR 3.02) by a person 18 years old or older and the vehicle is operated on land on which the operator is domiciled; or
(c) A person under 14 years of age may operate a Recreation Vehicle in a sanctioned race, rally or organized event which has been authorized or approved by the appropriate local authority.

(d) No person under ten years of age shall operate a Recreation Vehicle under any circumstances.

Distance from Dwelling: No person shall operate a Recreation Vehicle on any public or private land within 150 feet of a dwelling without the permission of the owner of such dwelling, such owner's agent, or such owner's lessee, except in cases of emergency, when directly departing or returning to such residence or when operating on the property of another for which permission has been granted. Such permission may be granted to an individual, association, or other organization, for the benefit of members thereof.

Noise: No Recreation Vehicle shall be operated which makes an unusual or excessive noise or which emits obnoxious fumes.

Muffler Requirement: No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a Recreation Vehicle.

Violations and Penalties

A. Any person who violates any of the provisions of this Chapter shall be fined as set forth below, or, alternatively, such violation may be enforced in accordance with G.L. c. 40, § 21D.
B. Fines imposed pursuant to this Section shall be assessed as follows:

a. First Offense:	$100.00
b. Second Offense:	$250.00
c. Third Offense:	$300.00
d. Fourth Offense:	Confiscation of Recreation Vehicle by the Chelmsford Police Department, pursuant to state-law authority.

Enforcement

The provisions of this Chapter shall be enforced by the Chelmsford Police Department. ; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 13. To see if the Town will vote pursuant to Section 51 of Chapter 184 of the Acts of 2002, to adjust the senior citizen tax factors as set forth in Chapter 59, Section 5, Clause 41C, to first apply in Fiscal Year 2006, beginning July 1, 2005, as follows:

First, reducing the requisite age of eligibility of any person to age 65 years or older;

Second, to increase the amounts contained in the sub-clause [B] of said first sentence wherever they appear from $13,000 single/ $15,000 married to $20,000 single/ $30,000 married; and

Third, to increase the amounts contained in sub-clause [C] of said first sentence wherever they appear from $28,000 single/ $30,000 married to $40,000 single/ $55,000 married; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 14. To see if the Town will vote to accept G.L. c.140, §147A, which authorizes the Town to enact bylaws, subject to limited exceptions, to provide for local regulation of dogs, and to amend Chapter 11 of the General Bylaws with regard to fees for dog and kennel licensing to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Town Clerk to set fees and charges for services provided, by deleting §11-5(C), and further, by deleting §11-5(A) in its entirety and inserting in place thereof, the following, "License fees for dogs and kennels shall be set by the Town Clerk pursuant to G.L. c.40, §22F." or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 15. To see if the Town will vote to amend the General Bylaws, Chapter 5, Alarm Systems, with regard to fees and charges to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Police Chief to set fees and charges for services provided, as follows:

By deleting, in §5-2(B)(5) the words "of $10." and inserting in place thereof, the following, "set pursuant to G.L. c.40, §22F."

By deleting in §5-2(B)(6) the words "of $15." and inserting in place thereof, the following, "set pursuant to G.L. c.40, §22F."

By deleting in §5-2(B)(9) the words "of $10." and "of $15." and inserting in place thereof, in each instance, the following, "set pursuant to G.L. c.40, §22F."

By deleting in §5-(2)(B)(10) the words "of $25." And inserting in place thereof the following "set pursuant to G.L. c.40, §22F."

By deleting in §5-3(B) the words "of $10." and inserting in place thereof, the following, "set pursuant to G.L. c.40, §22F."

By deleting in §5-3(C)(1) the words "of $25." and inserting in place thereof, the following, "set by the Chief of Police pursuant to G.L. c.40, §22F."

By deleting in §5-3(C)(1), subsections (a), (b) and (c).

And, by deleting, in §5-3(K), the words "of $25." and inserting in place thereof, the following, "set pursuant to G.L. c.40, §22F."; or take any other action in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 16. To see if the Town will vote to amend Chapter 11 of the General Bylaws with regard to fees for dog and kennel licensing to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Town Clerk to set fees and charges for services provided, by deleting §11-5(C), and further, by deleting §11-5(A) in its entirety and inserting in place thereof, the following, "License fees for dogs and kennels shall be set by the Town Clerk pursuant to G.L. c.40, §22F." ;or take any other action relative thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 17. To see if the Town will vote to amend Chapter 35 of the General Bylaws with regard to Town Clerk fees to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Town Clerk to set said fees and charges for services provided, by deleting §35-2(B) in its entirety, and inserting in place thereof, the following, "The Town Clerk may, pursuant to G.L. c.40, §22F, set fees and charges for all items specified under G.L. c.262, §34. The schedule of such fees shall be posted in a conspicuous place in the office of the Town Clerk." ;or take any other action relative thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 18. To see if the Town will vote to amend the General Bylaws, §42-5(A), relative to the cost of permit to tie-in to the municipal fire alarm system to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Fire Chief to set fees and charges for services provided, by deleting the last sentence and inserting in place thereof, the following, "The fee for each tie-in permit shall be set pursuant to G.L. c.40, §22F." ;or take any other action relative thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 19. To see if the Town will vote to amend the General Bylaws, §46-1, relative to the cost of a fortune-teller license to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Board of Selectmen to set fees and charges for services provided, by deleting "$50." and inserting in place thereof the words, "set pursuant to G.L. c.40, §22F." ;or take any other action relative thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 20. To see if the Town will vote to amend the General Bylaws, §116-3(B), relative to the cost of a registration permit for solicitors to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Police Chief to set fees and charges for services provided, by deleting the words "of $25." and inserting in place thereof the words, "set pursuant to G.L. c.40, §22F, to the extent permitted by law." ;or take any other action relative thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 21. To see if the Town will vote to amend the General Bylaws, §142-13, relative to the cost of a street opening permit to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Board of Selectmen to set fees and charges for services provided, by deleting the words "of $25." and inserting in place thereof the words, "set by the Board of Selectmen pursuant to G.L. c.40, §22F." ;or take any other action relative thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 22. To see if the Town will vote to amend the General Bylaws, Chapter 137, Solid Waste, by deleting the existing §137-2 which reads as follows:

§137-2 Recycling

A. All residents using the trash collection services shall bundle all newspaper, magazines, discarded mail and other recyclable papers for separate pickup.

B. In order to implement a program of recycling in conjunction with regular waste collection, residents of every household are requested to separate waste material in the following categories before depositing the same for collection:

   1) Glass and cans
   2) Paper
   3) Other Waste

C. It shall be unlawful for any person to remove any materials designated by the Board of Selectmen from the curbside in the town unless prior authorization is received from the Board of Selectmen. Violation of this subsection shall be punishable by a fine of $100.

;and replacing it with the following

§137-2 Recycling

Restricted Material:
To insure compliance with the State solid waste facility regulation, 310 CMR 19.017, which prohibits the disposal as trash of certain recyclable materials, it shall be unlawful to have the following materials disposed of in, or collected with the trash. The Town shall direct its contracted waste hauler, which is obligated to comply with all State and Local laws, not to collect any such visible recyclable materials with the trash. The restricted materials are as follows:

Glass containers: glass bottles and jars, excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics;

Metal containers: aluminum, steel or bi-metal beverage and food containers;

Recyclable paper: all paper, cardboard, and paperboard products (e.g. office paper, newspaper, unwaxed cardboard and cereal boxes) excluding tissue paper, paper towel, paper plates, cups and other low-grade paper products which become unusable to paper mills as a result of normal intended use;

Single resin narrow necked plastic: all narrow-necked plastic containers of any resin type. Narrow-necked containers are those for which the diameter of the opening is smaller than the diameter of the base (e.g., a soda bottle is narrow-necked but a yogurt container is not);

Whole tires: unshredded motor vehicle tires, meaning tires which have not been cut, sliced or ground into four or more pieces such that the circular form of the tire has been eliminated;

Yard waste and leaves: grass clippings, weeds, garden materials, shrub trimmings and brush 1" or less in diameter, deciduous and coniferous leaves;

Cathode ray tubes (CRTs): any intact, broken, or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes (310 CMR 19.006).

Lead acid batteries: lead-acid batteries used in motor vehicles or stationary applications; and

White goods: large appliances including refrigerators, freezers, dishwashers, clothes washers and dryers, gas or electric ovens and ranges and hot water heaters (310 CMR 19.0006).

; or act in relation thereto

SUBMITTED BY: **Town Manager**

ARTICLE 23. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Section 195-3 Official Zoning Map, by deleting the existing Zoning Map, dated April 24, 1989, with revisions through April 24, 2000, and inserting in its place a revised Zoning Map dated February 2005, which map is available for viewing in the Office of the Town Clerk and the Community Development Office; or act in relation thereto.

SUBMITTED BY: **Community Development Coordinator**
Town Clerk

ARTICLE 24. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Community Housing Reserve, and from the Community Preservation Fund General Fund for use by the Chelmsford Housing Authority for the creation of community housing; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

ARTICLE 25. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Community Historic Preservation Reserve Reserve, and from the Community Preservation Fund General Fund for use by the Chelmsford Cemetery Commission for the purpose of historic preservation activities at Forefathers Cemetery; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

ARTICLE 26. To see if the Town will vote to amend the General Bylaws of the Town by adding a new section 106-4 B to the Chelmsford Code as follows:

B. Any Town officer or board authorized by the General Laws or the Town Charter or bylaws to enter into contracts for the procurement of goods or services is hereby authorized, pursuant to General Laws Chapter 30B, section 12, to enter into such contracts for terms not to exceed five (5) years, unless a longer term is specifically authorized by a vote of Town Meeting.

and, by renumbering the text of section 106-4 to 106-4 A; or act in relation thereto.

SUBMITTED BY: **Town Manager**
School Department

ARTICLE 27. To see if the Town will vote to authorize the School Department to exercise options for the fourth and fifth years of the current school bus transportation contract with First Student, Inc., or act in relation thereto.

SUBMITTED BY: **School Department**

ARTICLE 28. To see if the Town will vote to authorize the School Department to exercise options for the fourth and fifth years of the current contract for substitute teachers with New Boston Select Group, Inc., or to act in relation thereto.

SUBMITTED BY: **School Department**

ARTICLE 29. To see if the Town will vote to authorize the Town to exercise options for the fourth and fifth years of the current contract with Johnson Controls, Inc. for HVAC maintenance of various Town buildings, or to act in relation thereto.

SUBMITTED BY: **School Department**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 29 th day of September, 2005.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Philip M. Eliopoulos, Chairman

William F. Dalton, Vice Chairman

Michael F. McCall, Clerk

Thomas A. Newcomb

Sam Chase

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 17, 2005:

Thursday, October 20, 2005 at 7:30 p.m.

Monday, October 24, 2005 at 7:30 p.m.

Thursday, October 27, 2005 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Oct 3, , 2005

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

ANNUAL FALL TOWN MEETING
October 17, 2005

The Annual Fall Town Meeting was called to order at 7:35 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. There were **150** Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Koplemen and Paige was Attorney John Giorgio. Selectman Philip M. Eliopoulos moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously**. Selectman Philip M. Eliopoulos moved that the reading of the entire warrant be waived. **Motion carried, unanimously**. The Moderator then made some announcements regarding upcoming events. An Initiative for Local Aid meeting will be held on October 19th in Townsend, Ma.

UNDER ARTICLE 1. Selectman Philip M. Eliopoulos moved that the Town vote to hear reports of the Town Officers and Committees.

Patrick Maloney, Chairman of the School Building gave a report to the Body outling what the Committee has accomplished to this date. Modular classrooms at the Parker. A new fire alarm system at the High School. New roof at the McCarthy and new boilers at the Parker. Window replacement project at the McCarthy and Parker is 20% complete and will be done by April of the next year. Electrical and mechanical upgrades to various classrooms and the Parker gym. Upcoming project that the Committee is going out for bids on: New 1000 seat auditorium at the High School. New science and computer room, new roof top heating unit, all new automatic temperature controls, new roof. At the Parker a new 5,000 ft library with two new computer instruction rooms, new boys and girls restroom in the corridor outside the area where modular classrooms are. Repaving and striping the rear parking area, new roof and cosmetic improvements, miscellaneous upgrades and exhaust fans. The McCarthy will get a new 5,000 ft library, similar to that at the Parker, renovated music and arts wings. The old library is to be converted into four new classrooms. A new boiler system, miscellaneous upgrades and exhaust fans will be done. The High School will get a new parking area of 70 spaces. He went over the Committee's future construction plans. Bids will start the following week for the High School project and the work should be completed by February 2007. Parker and McCarthy bids will go out on October 26th and the work is to be completed by October 2006. He then reported on the Administration Building project. The contract was awarded and the demolition work is completed. The renovation will be complete by the upcoming Christmas break. The office personnel should be able to move over into the new location which will enable the work to start on the High School in February. The total estimated cost of the Administration project is $922,977.00. The Committee has a website regarding the entire School Building project if anyone would care to view floor plans, budgets etc. Patrick Maloney then said that when the Committee goes out to bid in the next couple of weeks, he wanted the Body to be aware of the following. This project came forth in December of 2003 in its current state it was a $31,000,000 project and the architect at the time projected a 2% escalation for two years. The project is now six weeks shy of the two year mark and the Committee has seen more like 20 to 25% escalation. They've had a tough go to try and make this work the past year. The Committee thinks they have been able to maintain the integrity of the project. As a final note as they go out to bid the

Committee is confident and comfortable with the information of their consultants, but if they come upon some adversity please bear with them they will get through it. This is a good time for bidding, a lot of people out there looking for work and the Town's project is one of the only major bids out there, so hopefully it will all go the way the Committee wants it to and they'll be back in the spring to make another report. The Body responded with a round of applause.

UNDER ARTICLE 2. Selectman Philip M. Eliopoulos moved that the Town vote to appropriate $1,000,000 from Free Cash to the Stabilization Fund.

The Town Manager gave a presentation regarding the Stabilization Fund. He gave a brief history of the Stabilization Fund. The two bonding companies Moody's Investment and Standard and Poor are very concerned about the level of reserves moving forward. The Town has assured them that we will continue to utilize the reserves as planned, but that the Town continues to put money aside each year in order to maintain the reserves at the appropriate level. In this case we are taking $1,000,000 of the $1,450,000 of free cash that the Town has and by putting it in the Stabilization fund that fund will have a balance of $3.4 million dollars. This is a little below where he had anticipated being three or four years ago, but we are starting to catch up. He hopes to put $2 million dollars into the fund next year. The goal is to maintain the stabilization fund to be 5% of the operating budget. Clare Jeannotte asked if the free cash amount was certified. Yes it was. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 3. Town Manager Bernard F. Lynch moved that the Town vote to appropriate $130,000 from Free Cash to the School Department, said funding coming from Medicaid reimbursements.

The Manager explained that this is an annual Fall article. The money comes from the Special Education Fund. The School Department does all the research in order to obtain these reimbursements. Due to there being less free cash available, the amount being appropriated is reduced by $100,000 from previous years. Mary Tiano questioned the future funding. The Manager explained FY 07 is predicted to be a tight budget year. It will depend on the amount of free cash that become available on what will be given to the School Department. He also mentioned that surrounding Towns return this money to the General fund and use it for their free cash. Kathy Duffet asked how much money had actually been received. The Manager said $246,000. was received and the cost to do so was $16,000 so the net was $230,000. She asked if the School's budget as presented in the Spring had included the anticipation of receiving the full amount of Medicaid reimbursement. Yes it did. The Moderator asked if there were any further questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Karen DeDonato asked Dr Moser, the School Superintendent, if this now means that the School Budget is short $100,000. Yes it was. Karen DeDonato didn't feel that it was right that the Stabilization fund article had been funded the amount that it was if the school's budget was going to be short now $100,000. She felt that all the money should be returned to the School Department. Stratos Dukakis expressed his concerns regarding that the funding for the School Department has been decreasing that it is being short changed. Sheila Pichette expressed concerning about voting funds for the Stabilization Fund prior to other budget adjustments. The Manager explained that

Stabilization fund is a priority. This is necessary in order to maintain our present bond rating which effects the cost of the Town's borrowing. He gave an example that a quarter of a point difference on borrowing on a $31 million dollar project could cost the taxpayers $850,000 in interest. The Moderator asked if there was any further discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 4. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $209,353 from Free Cash to be used to fund certain one-time costs associated with the retirement of employees of the Town working in the School Department for the Fiscal Year 2006.

The Manager explained that this article has a history of being done for several years. It's purpose was to help cushion the School Department's cost recognizing the inability of the Town to provided more to the Department in the operating budget. Clare Jeannotte questioned it being called a one-time cost if it has been done over a span of several years. She asked what does this "cost" comprise of. Robert Cruickshank the School Departments Business Manager said that there were notices given by eleven teachers and one administrator. It is a negotiation item. When an individual gives notice by December 31st that they are retiring at the end of the school year, they are entitled to a 25% one-time bonus. The purpose of this is to give the School Department an opportunity to plan what teachers need to be replace and go out and fill the positions. She felt that this should be in the operating portion of the School's budget. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 5. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate a certain amount of money with which to pay bills of previous fiscal years.

The Manager explained that there were no previous year's bills and asked that the article be withdrawn. The Moderator asked if there was any discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 6. Town Manager Bernard F. Lynch moved that the Town vote to transfer $25,880 from Special Revenue to the School Department, said funding coming from E-Rate reimbursements.

The Manager explained the article. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Clare Jeannotte asked if this same action could be taken regarding the Medicaid reimbursements. No it could not State law prevents it. The Moderator asked if there was any further discussion, hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 7. Town Manager Bernard F. Lynch moved that the Town vote to amend the Fiscal Year 2006 operating budget under Article 8 of the Annual Town Meeting held on April 25, 2005 as follows:

Increase Line Item #3 Chelmsford Public Schools by $141,700 to $41,241,700, and that said additional appropriation be funded in the amount of $110,787 from Free Cash and $30,913 to be raised and appropriated.

The Manager explained that when the April Town Meeting ended the Town had a shortfall and budget that was not balanced. He gave a presentation showing the adjustments made to the FY 06 Budget. The presentation showed the amount of expenditures, the revenues and the amount of free cash used. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 8. The Manager explained that this was land on Technology Dr that was going to be made available to the Town. Upon determination it was decided that it was not in the Town's best interest to obtain it. He asked that the article be withdrawn. **Motion carried.** The article was worded as follows: To see if the Town will vote to authorize the Board of Selectmen to accept as a gift a 9.89 acre parcel of land on Technology Drive shown as Lot 19 on Assessor's Map 21, Block 74 containing 9.89 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 1098, Page 67, to be held for general municipal purposes; or act in relation thereto

UNDER ARTICLE 9. Town Manager Bernard F. Lynch moved that the Town vote to authorize the Town Manager to enter into a lease, in accordance with Massachusetts General Laws Chapter 30B, of a portion of a parcel of town-owned land identified as the East Fire Station at 115 Riverneck Road, for telecommunications purposes for a period not to exceed twenty (20) years.

The Manager explained the Towns goal is to make money and that this is an opportunity to do so. Nextel approached the Town and requested to set up a monopole on a small portion of land where the East Fire Station is. The Town would enter into a twenty year lease with the company which would bring in revenue. John Kivlan questioned the concern about the antenna producing radiation. The Manager said that studies show that the antennas are not harmful. Karen DeDonato questioned if this could cause problems with the Fire Department's operation. No, it would not. She then asked if there was a height restriction of some kind for this type of structure. Yes there was and Nextel would go to the Board of Appeals for this. This article is to only allow the Town to enter into the contract. Clare Jeannotte questioned the twenty year time frame. Town Counsel John Giorgio explained that this is the normal length of a contract of this type. Dennis Sheehan questioned the amount of revenue that is expected. The Manager said between $30,000 to $40,000 per year. The Finance Committee recommended the article. The Board of Selectmen recommended the article. John Kivlan spoke against the article due to the concern that the firemen had regarding radiation. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 10. Selectman Philip M. Eliopoulos moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on Merilda Avenue, shown as Lot 26 on Assessor's Map 26, block 93 containing 14,253 s.f. more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2334, Page 607.

The Manager explained that the next couple of articles are common place. It is an opportunity for the Town to sell land that we don't need. This particular article is in regards to landlocked land off of Merilda Ave. It is assessed for $1,800 and will go out for competitive bid. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 11. Selectman Philip M. Eliopoulos moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on Russell Road, shown as Lot 2 on Assessor's Map 12, Block 38 containing 506 s.f. more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 1435, Page 72.

The Manager explained that this was the same type of article as the previous one. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 12. Dwight Hayward moved to waive the reading of the warrant article. The Moderator asked for a vote on the motion by way of a show of hands. **Motion carried.** The Manager explained that this bylaw is due to a number of complaints from citizens regarding the nuisance of dirt bikes and snowmobiles. He worked with Town Counsel on drawing up a by-law. Town Counsel also worked with the Attorney General regarding the acceptance of the wording. By having a bylaw on the books the Police would have the authority to enforce a law and fine individuals who didn't obey it. Karen DeDonato questioned under violations and penalties. Most likely it will be minors who will violate this bylaw, what guarantee is there that they will pay the fine? Shouldn't the words parent or guardian be included, if a minor is involved how would they be held liable. Town Counsel John Giorgio answered nothing specific in bylaw or General Laws that makes a parent or guardian liable for violation of a bylaw under the criminal disposition section of a bylaw. However, there are other ways to enforce this thru the District Court, and Probate Court then the parent or guardian would be involved. She questioned if the word should be included. John Giorgio explained that the Attorney General may strike it. Thomas Manion questioned if this bylaw overrode any previous bylaw. No it did not. Sam Poulten questioned scooters on public ways and is there any way to control them. Police Chief Raymond McCusker explained that there are traffic rules that were recently implemented because of the problems due to scooters. Also the Commonwealth has

required that the riders wear helmets as well. The scooters have to have a muffler system on them and the rider has to be old enough to operate them. Linda Jones questioned the 150 feet away from a residence dwelling being a violation. What if the rider was 151 feet away from the dwelling on private land could this bylaw be enforced. Town Counsel John Giorgio explained that the rider would still require land owners permission to ride on the property, if the rider didn't have it they would be trespassing and the Police would enforce that also. Rick McPherson questioned if a time restriction for use should be included. John Giorgio said that the bylaw as presented is a good start; he is reluctant to add anything to the bylaw as it stands. Get it passed then address any additional changes in the future. The Town Manger said that the Attorney General was basically in favor of the bylaw as it is currently written. Kathleen Tubridy questioned excessive noise wording. Dennis Sheehan questioned the word "push" in the bylaw. Janet Dubner questioned the liability factor if someone goes on town owned land and become injured and the age requirement. John Giorgio said if the rider didn't have written permission they would be in violation. If they did and are not charged a fee to be on the property, then there would be no liability. The Town Manager said the age requirement could be adjusted if need be once the bylaw is passed. Gail Zahroolis questioned the fines amounts and why not a warning for the first time. Town Counsel said it would be the discretion of the Police to enforce. Most likely at first an individual may be warned and the parents called, however, if there are continued complaints then the actual fine could be enforced. John Kivlan questioned if there was an appeal process. Counsel explained there is a process through the District Court, just like a speeding ticket. The Moderator asked if there were any further questions, hearing none he asked for recommendations. John Kurland, Chairman of the Finance Committee stated that the Committee did not have any recommendation on the article. The Board of Selectmen recommended the article. Mary Tiano moved to amend the bylaw to add under the section Restrictions on the Operation of Recreation Vehicles sections (a) and (b) add the wording **wearing a helmet and.** A person between the ages of 12 and 14 years old my operate a Recreation Vehicle **wearing a helmet and** if directly supervised .....
The Moderator asked if there were any questions hearing none he asked for recommendations. The Board of Selectmen recommended the amendment. David McLachlan questioned if this wording included section (c) also, the Moderator said it did not. The Moderator asked for a vote on the motion to amend by way of a show of hands, **motion carried.** Dennis Sheehan moved to amend the definition section Operate, by striking out the words "or to push" from the definition. John Coppinger spoke against the amendment. He felt that the recreation vehicles ruin the terrain and they shouldn't be allowed access to an area that they shouldn't be in. Dennis Sheehan explained his amendment, he felt if the rider came across an area where he may disturb someone he could shut off the engine and "push" the vehicle pass the area. The Moderator asked if there was any need for discussion, hearing none he asked for a vote on the motion to amend by way of a show of hands, **motion defeated.** John Coppinger asked if the Police Department had a trail bike in order to maintain this bylaw. The Manger said the Police had the availability of an off road motorcycle. Dennis Ready moved the question to stop debate. The Moderator asked for a vote on the motion to stop debate, by way of a show of hands, **motion carried, unanimously.** He then asked for a show of hands on the main motion as amended, **motion carried**. The article reads as follows:

Selectman Philip M. Eliopoulos moved that the Town vote to amend the General Bylaws by establishing Chapter 124, Recreation Vehicles, to read as follows:

CHAPTER 124: RECREATION VEHICLES

Purpose

The purpose of this Chapter is to promote and protect the health, welfare, and safety of the inhabitants of the Town of Chelmsford by reducing the noise, environmental impacts and other adverse effects associated with the unrestricted operation of Recreation Vehicles. This Chapter is intended to be consistent with the provisions of G.L. c. 90B, §§20-35 and 323 CMR 3.01 et seq., as amended.

Definitions

Dwelling: A building designed and occupied as the living quarters of one or more individuals.

Operate: To ride in or on and control the operation of, or maintain, suffer or permit the operation of, or to push a Recreation Vehicle, or, in the case of a person who has custody of a minor between the ages of ten and 14, to knowingly permit or suffer the operation of a Recreation Vehicle by such minor between the ages of ten and 14 without direct supervision by a person 18 years old or older; and, when acting as a supervising person under G.L. c. 90B, Section 26, to knowingly permit a person supervised to violate any state law or Town by-law regulating operations.

Owner: A person, other than a lien holder, having the property or title to a Recreation Vehicle entitled to the use or possession thereof.

Recreation Vehicle: Any vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way as defined in G.L. c. 90, and all legally registered motor vehicles when used off a way, as defined under G.L. c. 90. This definition shall include vehicles designated recreation vehicles under G.L. c. 90B, including vehicles commonly known as "Dirt Bikes" and "All-Terrain Vehicles (or "ATVs") and snow mobiles." Vehicles used for agriculture, forestry, lumbering or construction shall be excluded from this definition when used for such purpose.

Restrictions on the Operation of Recreation Vehicles

Age Limit: No person under 14 years of age shall operate a Recreation Vehicle except as provided below:

(a) A person between the ages of 12 and 14 years old may operate a Recreation Vehicle wearing a helmet and if directly supervised (as defined in 323 CMR 3.02) by a person 18 years old or older

(b) A person between the ages of ten and 12 years may operate a Recreation Vehicle wearing a helmet and if directly supervised (as defined in 323 CMR 3.02) by a person 18 years old or older and the vehicle is operated on land on which the operator is domiciled; or

(c) A person under 14 years of age may operate a Recreation Vehicle in a sanctioned race, rally or organized event which has been authorized or approved by the appropriate local authority.

(d) No person under ten years of age shall operate a Recreation Vehicle under any circumstances.

Distance from Dwelling: No person shall operate a Recreation Vehicle on any public or private land within 150 feet of a dwelling without the permission of the owner of such dwelling, such owner's agent, or such owner's lessee, except in cases of emergency, when directly departing or returning to such residence or when operating on the property of another for which permission has been granted. Such permission may be granted to an individual, association, or other organization, for the benefit of members thereof.

Noise: No Recreation Vehicle shall be operated which makes an unusual or excessive noise or which emits obnoxious fumes.

Muffler Requirement: No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a Recreation Vehicle.

Violations and Penalties

A. Any person who violates any of the provisions of this Chapter shall be fined as set forth below, or, alternatively, such violation may be enforced in accordance with G.L. c. 40, § 21D.
B. Fines imposed pursuant to this Section shall be assessed as follows:

a. First Offense:	$100.00
b. Second Offense:	$250.00
c. Third Offense:	$300.00
d. Fourth Offense:	Confiscation of Recreation Vehicle by the Chelmsford Police Department, pursuant to state-law authority.

Enforcement

The provisions of this Chapter shall be enforced by the Chelmsford Police Department.

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UNDER ARTICLE 13. Selectman Philip M. Eliopoulos moved that the Town vote pursuant to Section 51 of Chapter 184 of the Acts of 2002, to adjust the senior citizen tax factors as set forth in Chapter 59, Section 5, Clause 41C, to first apply in Fiscal Year 2006, beginning July 1, 2005, as follows:

First, reducing the requisite age of eligibility of any person to age 65 years or older;

Second, to increase the amounts contained in the sub-clause [B] of said first sentence wherever they appear from $13,000 single/ $15,000 married to $20,000 single/ $30,000 married; and

Third, to increase the amounts contained in sub-clause [C] of said first sentence wherever they appear from $28,000 single/ $30,000 married to $40,000 single/ $55,000 married.

The Manager explained that this changes the use of a particular section of the law in regards to tax exemptions. The issue of relief has been a concern of the Board of Selectmen for some time. Particularly those that are most in need due to income reasons, or disability reasons or elderly need some tax relief. The Board has requested that this be looked into. A review was done of the current tax exemptions and what opportunities could be available to increase them. This will be done on a multi year bases to be phased in over time in order to provide tax relief. The Board feels this will be in the best interest of the town for those who are least able to afford the real estate taxes. This wording is an amendment that was made to General Laws in 2002. The changes would allow a greater number of residents to be eligible in age. It would change the income limits and assets to be more current to today standards. The cost is estimated to be between $30,000 to $50,000. Other tax relief measures will also be looked at. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Tom Moran asked what the financial impact would be. The Manager said that we don't know for sure because people will float in and out of eligibility. Estimations can be made based on the current data available and the cost would be between $30,000 and $50,000. Tom Moran questioned if this was the total cost for the whole Town and the Manger said it was Thomas Fall spoke in favor of the article, but felt that more should be done regarding the age of the disabled. The Manager said that there were programs available however other issues will be looked into in the future. The Moderator asked if there was any need to hear further debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 14. Town Manager Bernard F. Lynch moved that the Town vote to accept G.L. c.140, §147A, which authorizes the Town to enact bylaws, subject to limited exceptions, to provide for local regulation of dogs, and to amend Chapter 11 of the General Bylaws with regard to fees for dog and kennel licensing to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Town Clerk to set fees and charges for services provided, by deleting §11-5(C), and further, by deleting §11-5(A) in its entirety and inserting in place thereof, the following, "License fees for dogs and kennels shall be set by the Town Clerk pursuant to G.L. c.40, §22F."

The Manger said that his explanation is the same basically for this article through article 21. Last April, the Body accepted Chapter 40 section 22F, which changes the way the Town sets fees. This is to provide increase flexibility in order to assure that fees cover the services provided. That was the first step. Now we have gone into the bylaws where specific fees are set and will amend the bylaws to reflect the acceptance of Chapter 40 section 22F. This is what is being done for all of these articles. Also as a result of reviewing the bylaws, it was found that the State law which authorized the Town to regulate dogs had not been accepted by Town Meeting action seventeen years ago. This is why the wording accepting G.L. Chapter 140 section 147A also appears in this article. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 15. Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a vote on the motion by way of a show of hands. **Motion**

carried. The Manager said that this amends the present bylaw to eliminate where an actual fee is listed and insert the wording set pursuant to G.L. c 40 section 22F. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried.** The article reads as follows:

Town Manager Bernard F. Lynch moved that the Town vote to amend the General Bylaws, Chapter 5, Alarm Systems, with regard to fees and charges to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Police Chief to set fees and charges for services provided, as follows:

> By deleting, in §5-2(B)(5) the words "of $10." and inserting in place thereof, the following, "set pursuant to G.L. c.40, §22F."
>
> By deleting in §5-2(B)(6) the words "of $15." and inserting in place thereof, the following, "set pursuant to G.L. c.40, §22F."
>
> By deleting in §5-2(B)(9) the words "of $10." and "of $15." and inserting in place thereof, in each instance, the following, "set pursuant to G.L. c.40, §22F."
>
> By deleting in §5-(2)(B)(10) the words "of $25." And inserting in place thereof the following "set pursuant to G.L. c.40, §22F."
>
> By deleting in §5-3(B) the words "of $10." and inserting in place thereof, the following, "set pursuant to G.L. c.40, §22F."
>
> By deleting in §5-3(C)(1) the words "of $25." and inserting in place thereof, the following, "set by the Chief of Police pursuant to G.L. c.40, §22F."
>
> By deleting in §5-3(C)(1), subsections (a), (b) and (c).

And, by deleting, in §5-3(K), the words "of $25." and inserting in place thereof, the following, "set pursuant to G.L. c.40, §22F.".

UNDER ARTICLE 16. The Manager explained that this article was being withdrawn because it was already addressed previously under article 14. It was concerning the acceptance of Chapter 140 section 147F which was to authorize the Town to regulate a dog bylaw regarding the licensing process of dogs. The Moderator asked for a vote on the motion to withdraw. **Motion carried.** The wording of the article is a follows: To see if the Town will vote to amend Chapter 11 of the General Bylaws with regard to fees for dog and kennel licensing to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Town Clerk to set fees and charges for services provided, by deleting §11-5(C), and further, by deleting §11-5(A) in its entirety and inserting in place thereof, the following, "License fees for dogs and kennels shall be set by the Town Clerk pursuant to G.L. c.40, §22F." ;or take any other action relative thereto.

UNDER ARTICLE 17. Town Manager Bernard F. Lynch moved that the Town vote to amend Chapter 35 of the General Bylaws with regard to Town Clerk fees to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Town Clerk to set said fees and charges for services provided, by deleting §35-2(B) in its entirety, and inserting in place thereof, the following, "The Town Clerk may, pursuant to G.L. c.40, §22F, set fees and charges for all items specified under G.L. c.262, §34. The schedule of such fees shall be posted in a conspicuous place in the office of the Town Clerk.".

The Manager explained that this applies to the various fees set by the Town Clerk regarding vital records and other fees associated with the office. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 18. Town Manager Bernard F. Lynch moved that the Town vote to amend the General Bylaws, §42-5(A), relative to the cost of permit to tie-in to the municipal fire alarm system to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Fire Chief to set fees and charges for services provided, by deleting the last sentence and inserting in place thereof, the following, "The fee for each tie-in permit shall be set pursuant to G.L. c.40, §22F.".

The Manager stated that this is same explanation, allowing the fees associated with the fire alarms be set pursuant to G.L. Chapter 40 Section 22F. Barry Balan questioned where the check and balance would be. Does it come back to Town Meeting? No it would not. The Manager further explained that there are three checks and balances There are court decisions that fee's do not exceed the service, the financial polices adopted by the Selectman's, and all fee changes must be voted by the Board of Selectmen. The Moderator asked if there were any further questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 19. Town Manager Bernard F. Lynch moved that the Town vote to amend the General Bylaws, §46-1, relative to the cost of a fortune-teller license to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Board of Selectmen to set fees and charges for services provided, by deleting "$50." and inserting in place there of the words, "set pursuant to G.L. c.40, §22F."

The Manager said it this for the same purpose as mentioned in other articles. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 20. Town Manager Bernard F. Lynch moved that the Town vote to amend the General Bylaws, §116-3(B), relative to the cost of a registration permit for solicitors to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Police Chief to set fees and charges for services provided, by deleting the words "of $25." and inserting in place thereof the words, "set pursuant to G.L. c.40, §22F, to the extent permitted by law.".

The Manager explained that this bylaw was accepted six or seven years ago requiring that solicitors register with the Police before they go door to door This would allow the Police Chief to set the registration fee. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 21. Town Manager Bernard F. Lynch moved that the Town vote to amend the General Bylaws, §142-13, relative to the cost of a street opening permit to make said bylaw consistent with the Town's acceptance of G.L. c.40, §22F under Article 3 of the April 25, 2005, Special Town Meeting warrant, which authorized the Board of Selectmen to set fees and charges for services provided, by deleting the words "of $25." and inserting in place thereof the words, "set by the Board of Selectmen pursuant to G.L. c.40, §22F.".

The Manager explained that this is the last of the articles which would let the individual departments set their fees with the approval of the Board of Selectmen. Again this would allow the Town Engineer to set the fee regulating street opening permits. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 22. Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a vote on the motion. **Motion carried**. The Manager explained that this is a change in the recycling bylaw. It removes the section regarding the recycling of glass and papers and plastic and insert the actual State regulations that we are essentially already abiding too, this allows the Town to enforce a stronger recycling bylaw. This will enable the Town in working toward it's goal of a higher recycling rate. He cited the towns of Andover and North Andover and their success in decreasing their hauling rates. Currently, Chelmsford has a recycling rate of 25%. Neighboring communities have rates of 30-35 to 40% . The Town is paying $72.00 a ton for trash. The Town needs to get our recycling level up. North Andover saved about $60 to $70,000 in their budget. Marianne Paresky asked questions concerning the current regulations. She then wanted to know when the public would be informed of the new changes, will there be a grace period. Once the AG approves the by-law it will go into effect. The Town will advertise before it is implemented. Linda Fall questioned how it will be enforced. The hauler will not be able to pick up any trash that contains recyclable items. Some sort of sticker or notice of some kind will be left with the trash indicating this. Marlene Cote asked if the recycling will be picked up every week instead of every other week. No it will remain at the same schedule. Financially it is not practical cost wise to pick up recycling every week. What the Town gains in recycling fee's would be spent on the cost of

pick up. The Finance Committee recommended the article. The Board of Selectmen strongly recommended the article. Marianne Paresky moved to amend the bylaw by inserting into the first paragraph of the revised section of the bylaw 137-2 before the sentence "The restricted materials are as follows" Exemptions to this General bylaw include households in which residents who are responsible for trash and recycling materials are 1) 65 years and older, 2) handicapped, or 3)physically unable to bring recycling containers to the curb. If these residents want to be exempt from this recycling bylaw, they will register at the Office of Recycling located in the Town Hall. She explained that she felt it would ease the burden that this bylaw places on the people specified in her amendment. She felt that it was a fair amendment. The Manager said that the State regulation does not make any reference to anyone in a particular group. A law is a law. She felt that if the Body passes it and if the Attorney General doesn't think it is legal, it will be rejected and it can be resubmitted. The Moderator asked for a vote on the motion to amend by way of a show of hands, **motion defeated**. Karen DeDonato expressed her dissatisfaction with the current trash company. Peggy Dunn questioned the 25% rate. She knew in the past it had been higher and felt that recycling should be promoted more. Dennis Ready moved the question to stop debate. The Moderator asked for a vote by way of a show of hands on the motion. **The Moderator declared that the motion carried. By recognizing the 2/3's vote bylaw.** He then asked for a vote by way of a show of hands. **Motion carried.** The article reads as follows:

Town Manager Bernard F. Lynch moved that the Town vote to amend the General Bylaws, Chapter 137, Solid Waste, by deleting the existing §137-2 which reads as follows:

§137-2 Recycling

A. All residents using the trash collection services shall bundle all newspaper, magazines, discarded mail and other recyclable papers for separate pickup.

B. In order to implement a program of recycling in conjunction with regular waste collection, residents of every household are requested to separate waste material in the following categories before depositing the same for collection:

   1) Glass and cans
   2) Paper
   3) Other Waste

C. It shall be unlawful for any person to remove any materials designated by the Board of Selectmen from the curbside in the town unless prior authorization is received from the Board of Selectmen. Violation of this subsection shall be punishable by a fine of $100.

;and replacing it with the following

§137-2 Recycling

Restricted Material:
To insure compliance with the State solid waste facility regulation, 310 CMR 19.017, which prohibits the disposal as trash of certain recyclable materials, it shall be unlawful to have the following materials disposed of in, or collected with the trash. The Town shall direct its

contracted waste hauler, which is obligated to comply with all State and Local laws, not to collect any such visible recyclable materials with the trash. The restricted materials are as follows:

Glass containers: glass bottles and jars, excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics;

Metal containers: aluminum, steel or bi-metal beverage and food containers;

Recyclable paper: all paper, cardboard, and paperboard products (e.g. office paper, newspaper, unwaxed cardboard and cereal boxes) excluding tissue paper, paper towel, paper plates, cups and other low-grade paper products which become unusable to paper mills as a result of normal intended use;

Single resin narrow necked plastic: all narrow-necked plastic containers of any resin type. Narrow-necked containers are those for which the diameter of the opening is smaller than the diameter of the base (e.g., a soda bottle is narrow-necked but a yogurt container is not);

Whole tires: unshredded motor vehicle tires, meaning tires which have not been cut, sliced or ground into four or more pieces such that the circular form of the tire has been eliminated;

Yard waste and leaves: grass clippings, weeds, garden materials, shrub trimmings and brush 1" or less in diameter, deciduous and coniferous leaves;

Cathode ray tubes (CRTs): any intact, broken, or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes (310 CMR 19.006).

Lead acid batteries: lead-acid batteries used in motor vehicles or stationary applications; and

White goods: large appliances including refrigerators, freezers, dishwashers, clothes washers and dryers, gas or electric ovens and ranges and hot water heaters (310 CMR 19.0006).

UNDER ARTICLE 23. Pamela Armstrong moved that the Town vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Section 195-3 Official Zoning Map, by deleting the existing Zoning Map, dated April 24, 1989, with revisions through April 24, 2000, and inserting in its place a revised Zoning Map dated October 17, 2005, which map is available for viewing in the Office of the Town Clerk and the Community Development Office.

Andrew Sheehan Community Development Director explained that the intent of the article is to correct the errors on 1989 zoning map which is currently being used. This map was hand drawn and now that the GIS technology is available the zoning lines are being corrected. A number of properties could have problems with refinancing or the Building Inspector by using

the present map. It does not show the correct lines of zoning. Marianne Paresky questioned if all residential lots have been corrected. Yes they have. The zoning lines follow the property lines. She questioned why abutters were not notified. Andrew Sheehan said that the law states that only a public hearing must be held and advertised and that this was done. She asked if there were many properties that weren't zoned right. He said in the RB zone alone he found over 296 lots that were not labeled right and this could cause future problems. Thomas Moran questioned if the GIS process was accurate. He felt that the people should be notified individually when their zoning has been changed. Glenn Thoren asked is the sole purpose of the new map is to get the misrepresentation of zoning lines off the map, and put them in their correct location. Yes it is. Glenn Thoren then questioned if GIS function is just showing were the actual zoning lines should have originally been placed and that this article is now doing just that. Andrew Sheehan said that is correct. Glenn Thoren asked is the sole purpose of article then is to only change the zoning lines not the actual zone that these properties are located in. Andrew Sheehan said that is correct. The Moderator asked if there were any further questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Charles Wojtas said that the Planning Board held a public hearing on October 12, 2005 and unanimously recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried. By recognizing the 2/3's vote bylaw.**

UNDER ARTICLE 24. The Manager said that this article was going to be withdrawn. The Housing Authority had decided to not address this situation at this time. The Moderator asked for the vote on the motion to withdraw. **Motion carried**. The wording of the article is as follows: To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Community Housing Reserve, and from the Community Preservation Fund General Fund for use by the Chelmsford Housing Authority for the creation of community housing; or act in relation thereto:

UNDER ARTICLE 25. Selectman Michael F. McCall moved that the Town vote to appropriate $8,000 from the Community Preservation Fund Community Historic Preservation Reserve for use by the Chelmsford Cemetery Commission for the purpose of historic preservation activities at Forefathers Cemetery.

Robert Morse, Chairman of the Community Preservation Committee explained that the Commissions have requested this funding in the past. It is an for an on going project of restoring the forefathers Cemetery. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried unanimously.**

UNDER ARTICLE 26. Town Manager Bernard F. Lynch moved that the Town vote to amend the General Bylaws of the Town by adding a new section 106-4 B to the Chelmsford Code as follows:

B. Any Town officer or board authorized by the General Laws or the Town Charter or bylaws to enter into contracts for the procurement of goods or services is hereby authorized, pursuant to

General Laws Chapter 30B, section 12, to enter into such contracts for terms not to exceed five (5) years, unless a longer term is specifically authorized by a vote of Town Meeting, and by renumbering the text of section 106-4 to 106-4 A.

The Manager explained that contracts use to be for three years unless otherwise voted by law or Town Meeting. Now State statue has updated the law and it can be a five year contract vs a three year contract. This will help in the Town's savings and procurements. George Ripsom questioned if this will affect the labor contracts. No it will not. It is not for those types of contracts. The Moderator asked if there were any further questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried unanimously.**

UNDER ARTICLE 27. School Committee Chairman Evelyn Thoren moved that the Town vote to authorize the School Department to exercise options for the fourth and fifth years of the current school bus transportation contract with First Student, Inc.

Robert Cruickshank the School Department's Business Manager, explained that by being able to have this option savings can be made when it comes time to go out for bid for the transportation of the students. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried unanimously.**

UNDER ARTICLE 28. School Committee Chairman Evelyn Thoren moved that the Town vote to authorize the School Department to exercise options for the fourth and fifth years of the current contract for substitute teachers with New Boston Select Group, Inc.

Robert Cruickshank the School Department's Business Manager, explained that this is the company that supplies the substitute teachers. The current rates are $78.00 per day and $143.00 a day for long term employment. The Moderator asked if there were any questions, hearing none, he then asked for the Board's recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator announced that the 2006 Town Meeting dates are April 24th and October 16th. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried unanimously.**

UNDER ARTICLE 29. School Committee Chairman Evelyn Thoren moved that the Town vote to authorize the Town to exercise options for the fourth and fifth years of the current contract with Johnson Controls, Inc. for HVAC maintenance of various Town buildings.

Robert Cruickshank the School Department's Business Manager, explained that this would allow the School Department to save on their contract. The Moderator asked if there was any need to hear debate? Hearing none, he asked for a vote by way of a show of hands. **Motion carried unanimously.**

Selectman McCall moved to adjourn the meeting sine die. **Motion carried, unanimously**. The meeting adjourned at 10:28 PM.

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Dennis J. McHugh, Moderator Elizabeth L. Delaney, Town Clerk